

93rd General Assembly

First Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

JANUARY 10 - 14, 2005

Prepared by
Divisions of Research and Computer Information Systems

*** SB 1 ***

0220S.031

SENATE SPONSOR: Loudon

SB 1 - This act revises the workers' compensation law.

ACCIDENT AND INJURY - The act modifies the definition of "accident" to include only events that are "an unexpected traumatic event or unusual strain identifiable by time and place of occurrence producing at the time objective systems of an injury, caused by a specific event during a single work shift". The act modifies the definition of "injury" by limiting the definition to only allow compensation if the accident was the prevailing factor in causing the condition. The act limits benefits for pre-existing conditions in cases where a work-related injury causes increased permanent disability and reduces compensation by the amount of permanent partial disability that was pre-existing. The act exempts from coverage injuries from unknown causes and personal health conditions that manifest themselves at work when an accident is not the prevailing factor in the need for medical treatment. Deterioration from normal activities of day-to-day living is not compensable. Prohibits accidents which are sustained in route to work from being compensable.

COMPENSABILITY - Occupational disease is only compensable if the occupational exposure was the prevailing factor in causing the condition. The act eliminates the actual knowledge requirement for reduction of compensation and death benefits where an injury is caused by the willful failure the employee to use employer provided safety devices. The act increases the penalty when violation of drug and alcohol rules are involved, by reducing benefits by 50 percent, it also requires that intoxication at or above the legal blood level be conclusively presumed to be the proximate cause of injury.

TRAVEL EXPENSES FOR TREATMENT - The act states that when an employee is required to submit to medical examinations or necessary medical treatment at a place outside of the local or metropolitan area from the principal place of business the employer or its insurer shall advance or reimburse the employee for all necessary and reasonable expenses.

VOCATIONAL TESTING AND ASSESSMENT - The act provides that an employee must submit to appropriate vocational testing and a vocational rehabilitation assessment required by an employer or insurer.

SUBROGATION LIENS - The act grants an employer a subrogation lien when a third person is liable for the death of an employee and eliminates the procedure for situations where no comparative fault can be found.

DISQUALIFICATION FOR RECEIPT OF UNEMPLOYMENT COMPENSATION - The act disqualifies an employee from receiving temporary total disability during any period of time in which the claimant applies and receives unemployment compensation.

ADMISSIBILITY OF EVIDENCE - For certain statements to be admissible in evidence, a copy of the statement must be supplied to the employee, his dependents or his attorney within thirty days of written request.

ACCIDENT REPORTING - The act requires every employer or his insurer in this state file with the division a full and complete report of every injury or death to any employee within thirty days from the date of injury or death.

VOLUNTARY SETTLEMENT AGREEMENTS - The act allows parties to enter into voluntary agreements to settle claims and states that approval shall be granted as long as the settlement is not the result of undue influence or fraud.

NOTICE OF REPETITIVE TRAUMA - The act requires written notice to an employer as soon as practicable before proceedings are maintained for a repetitive trauma case.

ADMINISTRATIVE LAW JUDGES - The act prohibits administrative law judges from having a campaign committee.

STANDARD OF REVIEW - The act imposes an impartial standard of review for cases arising under this chapter, rather than a liberal construction that exists under current law.

This act is similar to SCS/SB 856 (2004).

JASON ZAMKUS

12/01/2004	Prefiled	
01/05/2005	S First Read	S26
01/12/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S75
01/12/2005	Hearing Conducted S Small Business, Insurance & Industrial Relations Committee	

EFFECTIVE: August 28, 2005

*** SB 2 ***

0424S.01I

SENATE SPONSOR: Loudon

SB 2 - This act provides that no person shall intentionally cause, aid or assist a minor to obtain an abortion without the required informed consent. Any person who has sufficient contact with this state and violates this act shall be civilly liable to the minor and to the person required to the required informed consent. A court may award damages, including attorney's fees, litigation costs and court costs, to any person adversely affected by a violation of this act. The court may include compensation for emotional injury even if there is no personal presence at the scene of any act or event. A court may also award punitive damages.

It is not a defense to a claim brought pursuant to this act that the abortion was performed in accordance with the required consent of the state or place where the abortion was performed. An unemancipated minor does not have the capacity to consent to any action of this act or to Section 188.028, RSMo.

A court may enjoin conduct in violation of this act upon a petition by the Attorney General, a prosecuting or circuit attorney, or a person adversely affected or who may be adversely affected. In order to enjoin such conduct, there must be a showing that such conduct is reasonably anticipated to occur in the future or has occurred in the past and it is not unreasonable to expect that such conduct will be repeated.

This act modifies the penalty for physicians who perform abortions. Currently, Section 188.080, RSMo, prohibits anyone but licensed physicians from performing abortions and imposes a penalty. This act modifies the penalty to state that any physician who does not have clinical privileges to provide OB/GYN care at a hospital located within 30 miles of the location at which

the abortion is performed is guilty of a Class B felony.

The act also modifies the definition of "ambulatory surgical center" in Section 197.200, RSMo, to include "any establishment operated for the purpose of performing or inducing any second or third trimester abortions or at least five or more first trimester abortions per month".

This act is identical to SCS/SBs 738 & 790 (2004).

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S26
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S83

EFFECTIVE: August 28, 2005

*** SB 3 ***

0413S.01I

SENATE SPONSOR: Loudon

SB 3 - This act modifies the adoption tax credit by eliminating the aggregate cap on the credit.

The act is similar to SB 500 (2003) and SB 806 (2004).

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S26
01/13/2005	Second Read and Referred S Ways & Means Committee	S83

EFFECTIVE: August 28, 2005

*** SB 4 ***

0403S.01I

SENATE SPONSOR: Klindt

SB 4 - This act eliminates straight ticket voting. The act prohibits any ballot from allowing a person to cast a straight political party ticket in any partisan election.

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S26
01/12/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	S75

EFFECTIVE: August 28, 2005

*** SB 5 ***

0469S.01I

SENATE SPONSOR: Klindt

SB 5 - This act provides that any city, town, or village must ensure that there is an adequate supply of electric service to an area that is to be annexed. They can do so by:

- Making a determination that there is a provider authorized and capable of serving the annexed area; or

- Granting authority to an electric cooperative to serve all of the area; or

- Requiring all suppliers serving within the area to be annexed to enter into a territorial agreement.

The act requires any grant of authority to a rural electric cooperative to serve the area be included in the annexation ordinance. The cooperative's property and operations in the area will be subject to taxation by the city, town, or village.

Any rural electric cooperative granted authority may generate, manufacture, purchase, acquire, accumulate, and transmit electric energy, and distribute, sell, supply, and dispose of electric energy with the area. This is in addition to other powers they might have under the law. This authority does not affect the rights of other electric suppliers to provide service in the annexed area.

When complying with this act, a city, town, or village cannot require that a provider transfer any of its facilities or customers to another provider. Nor shall this act prohibit electric providers from continuing to serve existing customers and structures in annexed areas.

According to this act, any city, town, or village that has a pending annexation may petition the PSC (Public Service Commission) to designate the boundaries of the electric service areas to be served by provider. The PSC designations shall be binding. The PSC must rule on applications within 90 days of the filing.

Currently, the law provides that the PSC shall hold evidentiary hearings to determine whether territorial agreements should be approved. This act would allow such hearings to be waived if the matter is resolved by stipulation and agreement by all the parties. Also, the law currently provides that the PSC shall hold hearings regarding complaints about the territorial agreements. This act would also allow these hearings to be waived in the same manner.

In addition, if the PSC determines that a territorial agreement that is the subject of a complaint is no longer in the public interest, it has the authority to suspend or revoke the agreement.

Section 71.516 of this act has an effective date of June 1, 2005.

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S26
01/13/2005	Second Read and Referred S Commerce, Energy and the Environment Committee	S83

EFFECTIVE: August 28, 2005

*** SB 6 ***

0286S.011

SENATE SPONSOR: Klindt

SB 6 - This act establishes the Missouri Biomass Technology Commission. The Commission shall have seven members. The directors from the Departments of Agriculture, Economic Development, and Natural Resources are members. Other members include four individuals with backgrounds in alternative energy research or business, individuals appointed by the Governor with advice and consent of the Senate.

The Commission is responsible for:

- (1) Collecting data for the development and use of alternative energy as a source of electricity;
- (2) Evaluating existing incentive programs that promote the development and use of alternative energy;
- (3) Creating new incentives and programs to promote alternative energy use; and
- (4) Making recommendations to the Legislature on program developments and uses for alternative energy.

The commission will develop a comprehensive guide to alternative energy development, production and use. This guide will be submitted to the Legislature.

This act expires on June 30, 2008.

This act is similar to SB 808 (2004).

MEGAN WORD

12/01/2004	Prefiled	
01/05/2005	S First Read	S26-27
01/12/2005	Second Read and Referred S Commerce, Energy and the Environment Committee	S75

EFFECTIVE: August 28, 2005

*** SB 7 ***

0333S.01I

SENATE SPONSOR: Dougherty

SB 7 - This act modifies the law relating to lead abatement and lead poisoning.

A one dollar check-off on the Missouri income tax return is created and the money designated by the check-off will be deposited into the Childhood Lead Testing Fund. The check-off of one dollar is primarily for taxpayers who are to receive a refund. However, taxpayers who owe taxes may also contribute to the fund and any taxpayer may elect to contribute more than one dollar (Section 143.603).

The Department of Health and Senior Services shall provide on its Internet website educational materials that explain the rights and responsibilities of the property owners, tenants, lead inspectors, risk assessors, and lead abatement contractors (Section 701.305).

Section 701.306 clarifies that written notification shall include options that are appropriate for reducing lead hazards.

Representatives of the Department, local government or health departments have the authority to re-enter a dwelling or a child-occupied facility to determine if the required actions have been taken. If the representative does not have consent to enter, they may petition the court for an order to enter the premises. An order shall be granted upon a showing that the representative attempted to notify the dwelling's owner in writing and forty-eight hours in advance of the time and purpose of the re-entry (Section 701.308).

Any lead abatement contractor that fails to notify the Department prior to starting a lead abatement project will be fined two hundred and fifty dollars for the first identified offense, five hundred dollars for the second identified offense, and thereafter fines will be double for each identified offense. The lead abatement contractor shall inform the owners and tenants of a dwelling

that information regarding potential lead hazards can be accessed on the Department's internet website. Once the abatement has been completed, the lead abatement contractor must submit written notification and the final clearance inspection report to the Department (Section 701.309).

The Director shall require lead abatement contractors to purchase and maintain liability insurance. Licensees or applicants for licensure must provide evidence of their ability to indemnify any person that may suffer damage from lead-based paint activities to which they may be liable. The licensee or applicant for licensure may provide proof of liability insurance in an amount to be determined by the Department, which shall not be less than \$300,000 dollars (Section 701.312).

Injunctions may be brought by the Department or the Attorney General in Circuit court until substantial compliance with sections 701.300 to 701.338 is achieved. All actions may be placed at the head of the docket and hearings shall be held within fifteen days of filing. Individuals cited with a violation of sections 701.300 to 701.338, by clear and convincing evidence, shall be fined up to one thousand dollars for the first violation and five thousand dollars for subsequent violations. The fines shall be deposited into the "Missouri Lead Abatement Loan Fund" (Section 701.317).

Current law specifies that any violation of sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a Class A misdemeanor. New language states that any subsequent violation of these sections will be a Class D felony (Section 701.320).

ANDY LYSKOWSKI

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S83

EFFECTIVE: August 28, 2005

*** SB 8 ***

0326S.011

SENATE SPONSOR: Dougherty

SB 8 - This act creates the "Children's Environmental Health and Protection Advisory Council" within the Department of Health and Senior Services. The Council will consist of eighteen members, who will be appointed by February 1, 2005. Meetings must be held at least six times a year or at the call of the chairperson or nine members of the Council. The duties of the Council shall include:

- Holding public hearings to gather information relating to the environmental health and protection of children;
- Analyzing statutes, rules, and regulations;
- Making recommendations on regulations that would minimize any negative impact on children's health;
- Reviewing current policies and proposed regulations pertaining to the exposure of children to environmental hazards;
- Gathering and disseminating information on how to reduce, treat, and eliminate a child's exposure to environmental hazards;
- Creating educational programs for parents, guardians, and caregivers; and
- Preparing an annual report to deliver to the Speaker, Pro Tem, and Governor by February 1st of each year.

Members of the Council will serve without compensation but may be reimbursed for any expenses incurred. The Department of Health will provide administrative support and current staff to the Council as deemed necessary. Subject to appropriations, the Council may employ consultants.

ANDY LYSKOWSKI

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S83

EFFECTIVE: August 28, 2005

*** SB 9 ***

0251L.01I

SENATE SPONSOR: Dougherty

SB 9 - This act adds in-home child care providers, child care facilities, and long-term care facilities to the list of property that triggers the offense of distributing a controlled substance near schools.

This act is identical to SB 1334 (2004).

LORIE TOWE

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S83

EFFECTIVE: August 28, 2005

*** SB 10 ***

0228S.01I

SENATE SPONSOR: Cauthorn

SB 10 - This act requires that any compound, mixture, or preparation containing pseudoephedrine be dispensed, sold, or distributed by a pharmacist or licensed technician. In order to make such a purchase, a person must show a photo ID with his or her date of birth and sign a written log or receipt showing the date of the transaction, name of the person, and the amount purchased.

Any business found to be in violation will be subject to a civil fine of \$500 to \$2,000.

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S83

EFFECTIVE: August 28, 2005

*** SB 11 ***

0303S.01I

SENATE SPONSOR: Cauthorn

SB 11 - This act requires the salaries of all state employees, excluding elected officials and certain other statutory officials, be automatically adjusted at the beginning of each fiscal year to an amount equal to the percentage of such annual rate which corresponds to the most recent percentage

change in the Consumer Price Index for the region of which Missouri is included. The Consumer Price Index is produced by the United States Department of Labor, Bureau of Labor Statistics.

This act is identical to SB 860 (2004).

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/12/2005	Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee	S75

EFFECTIVE: August 28, 2005

*** SB 12 ***

0301S.01I

SENATE SPONSOR: Cauthorn

SB 12 - This act exempts motorcyclists age 21 and older from wearing a helmet when operating a motorcycle or motortricycle. Under current law, everyone operating a motorcycle or motortricycle must wear a helmet.

This act is substantially similar to SB 744 (2004), SB 226 (2003), SB 646 (2002), SB 18 (2001), SB 610 (2000) and SB 294 (1999).

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/12/2005	Second Read and Referred S Transportation Committee	S75
01/18/2005	Hearing Scheduled S Transportation Committee	

EFFECTIVE: August 28, 2005

*** SB 13 ***

0468S.01I

SENATE SPONSOR: Kennedy

SB 13 - This act creates a one dollar check-off on the Missouri income tax return. The money designated by the check-off will be deposited into the Missouri Military Family Relief Fund, to be administered by the adjutant general and distributed to the families of Missouri residents who are members of the National Guard or the reserves and have been called to duty as a result of the terrorist attacks of September 11, 2001. The check-off of one dollar is primarily for taxpayers who are to receive a refund. However, taxpayers who owe taxes may also contribute to the fund and any taxpayer may elect to contribute more than one dollar.

This act is identical to SCS/SB 1336 (2004).

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Ways & Means Committee	S83

EFFECTIVE: August 28, 2005

*** SB 14 ***

0408S.01I

SENATE SPONSOR: Kennedy

SB 14 - This act defines the term "registered nurse first assistants" and authorizes the Missouri

State Board of Nursing to promulgate rules for their certification. A "registered nurse first assistant" (RNFA) is defined as a registered nurse, licensed in Missouri, who has received additional certification through a nationally-recognized professional organization to become a RNFA or who meets the criteria for RNFAs establishes by the Missouri State Board of Nursing.

This act is similar to SB 749 (2004).

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	S83

EFFECTIVE: August 28, 2005

*** SB 15 ***

0410S.01I

SENATE SPONSOR: Kennedy

SB 15 - This act enables a taxpayer making less than \$30,000 per year who modifies their home to be accessible to a disabled person who resides with the taxpayer to claim a credit against their income tax for one hundred percent of the costs of modification, up to \$2,500. For taxpayers making between \$30,000 and \$60,000, a credit will be allowed in the amount equal to fifty percent of the costs of modification, up to \$2,500. All tax credits will be refundable, up to \$2,500 per year. The credits are not transferrable. The credit has a statewide maximum of \$100,000 per year, subject to appropriation.

If any portion of the modification was claimed as a deduction on the taxpayer's federal income tax, then the amount of the tax credit shall be reduced by 1/3.

The credit applies to tax years beginning January 1, 2006, and expires December 31, 2011.

This act is similar to SB 982 (2002), SB 46 (2003) and SCS/SB 1282 (2004).

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Ways & Means Committee	S83

EFFECTIVE: August 28, 2005

*** SB 16 ***

0126S.01I

SENATE SPONSOR: Coleman

SB 16 - This act eliminates the mandatory minimum sentences for those convicted of a felony, except dangerous felons. The act states that a felon must serve a sentence imposed by a judge, but the Board of Probation and Parole will have discretion to review the sentence and release the offender before the completion of the sentence.

Those offenders sentenced under the mandatory minimum sentencing statutes before August 28, 2005, shall have his or her sentence reviewed by the Board. The Board shall have discretion to release such an offender before the end of his or her sentence.

This act is similar to SB 1348 (2004).

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/12/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S75

EFFECTIVE: August 28, 2005

*** SB 17 ***

0131S.01I

SENATE SPONSOR: Coleman

SB 17 - This act allows defendants to assert legal or equitable defenses, setoffs, or counterclaims in unlawful detainer actions.

This act is similar to SB 994 (2004).

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S83

EFFECTIVE: August 28, 2005

*** SB 18 ***

0124S.01I

SENATE SPONSOR: Coleman

SB 18 - This act exempts all pensions provided as a result of service in the armed forces of the United State from state income tax.

The act has an effective date of January 1, 2006.

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee	S83

EFFECTIVE: January 1, 2006

*** SB 19 ***

0221S.03I

SENATE SPONSOR: Shields

SB 19 - This act renames both Missouri Western State College and Missouri Southern State University-Joplin.

SECTION 174.020 - This section renames Missouri Western State College as Missouri Western State University and Missouri Southern State University - Joplin as Missouri Southern State University.

SECTION 174.241 - This section eliminates the board of regents of Missouri Western State College.

SECTION 174.251 - This section designates Missouri Western State University as a statewide

institution of applied learning.

SECTION 174.324 - This section reemphasizes that any new masters degree program offered at Missouri Western State University or Missouri Southern State University (or any other public institution of higher education in this state) must be approved by the coordinating board for higher education.

SECTION 174.450 - This section adds Missouri Western State University to the list of institutions which are charged with a statewide mission and governed by a board of governors.

SECTION 174.453 - This section defines new qualifications for the Board of Governors of Missouri Western State University.

Five voting members shall be selected from the following counties: Buchanan, Platte, Clinton, Andrew, and DeKalb provided that no more than three of these five members shall be appointed from any one county. Two voting members shall be selected from any of the counties in the state which are outside of the aforementioned counties.

Further, the section grandfathers current board members in regard to the county residency requirement.

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/12/2005	Second Read and Referred S Education Committee	S75
01/18/2005	Hearing Scheduled S Education Committee	

EFFECTIVE: August 28, 2005

*** SB 20 ***

0432S.01I

SENATE SPONSOR: Shields

SB 20 - This act creates an individual income tax credit of up to \$250 for instructional materials purchased by a teacher used in the course of that teacher's employment. The credit will apply to tax year 2005 and thereafter. The Department of Revenue is authorized to promulgate rules to govern the details of this credit.

This act is similar to HB 1222 (2002), SB 94 (2003) and SB 868 (2004).

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Education Committee	S83

EFFECTIVE: August 28, 2005

*** SB 21 ***

0411S.01I

SENATE SPONSOR: Shields

SB 21 - This act provides that the fifty dollar filing fee for an adoption petition shall be deposited in the Putative Father Registry Fund.

ANDY LYSKOWSKI

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/12/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S75
01/19/2005	Hearing Scheduled S Aging, Families, Mental & Public Health Committee- Consent	

EFFECTIVE: August 28, 2005

*** SB 22 ***

0412S.031

SENATE SPONSOR: Griesheimer

SB 22 - This act provides that on or before August 31, 2007, the Air Conservation Commission shall suspend operation of any motor vehicle emissions inspection program established under Sections 643.300 to 643.360 and shall revert to the motor vehicle inspection standard under Section 307.366, RSMo, and may institute a decentralized emissions inspection program.

HENRY T. HERSCHEL

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Transportation Committee	S83

EFFECTIVE: August 28, 2005

*** SB 23 ***

0053S.011

SENATE SPONSOR: Griesheimer

SB 23 - This act includes knowingly attempting to connect to, tamper with, or interfere with cable television signals, cables, wires, devices, or equipment, is used for the distribution of cable television and which results in the unauthorized use of a cable television system or the disruption of the delivery of the cable television service.

The act does not prohibit, restrict, or limit the purchase, sale, or use of products intended to provide services and features to a customer who has lawfully obtained a connection from a cable company.

Theft of cable television committed in this manner is a Class C felony.

This act creates the offense of criminal use of real property through the misuse of audiovisual recording devices. A person who knowingly operates the audiovisual recording function of a device at a movie without proper consent from certain individuals is guilty of criminal use of real property.

This act defines a motion picture theater as a movie theater, screening room, or other venue being used primarily for the exhibition of a motion picture, but excluding the lobby, entrance, or any other area where a motion picture cannot be viewed.

Certain persons who alert law enforcement authorities of an alleged violation shall not be civilly liable for subsequent actions taken to detain an individual until such law enforcement authorities arrive if he or she acted in good faith. There is an exception to this provision if the plaintiff can prove that he or she was held for an unreasonable amount of time.

This act does not prohibit law enforcement from operating audiovisual recording devices during the course of their authorized activities.

This act makes criminal use of real property pursuant to this section a Class A misdemeanor unless it is a second or subsequent offense, in which case, it is a Class D felony.

This act is identical to HCS/SS/SB 1023(2004).

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S27
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S83
01/18/2005	Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE: August 28, 2005

*** SB 24 ***

0055S.01I

SENATE SPONSOR: Griesheimer

SB 24 - Currently, there is an expiration date on all of Section 488.429, RSMo. This act limits the expiration date of December 31, 2014, to the provision allowing for debt service on county bonds for renovation and enhancement projects.

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S27-28
01/12/2005	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S75

EFFECTIVE: August 28, 2005

*** SB 25 ***

0048S.01I

SENATE SPONSOR: Champion

SB 25 - This act renames "Southwest Missouri State University" as "Missouri State University."

The act specifies that the name change of any higher education institution contained in that section shall not authorize the establishment of new degree programs other than as established by statute, including approval by the Coordinating Board.

Further, the act alters the composition of the governing board of the renamed Missouri State University from eight members to ten.

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S28
01/12/2005	Second Read and Referred S Education Committee	S75
01/18/2005	Hearing Scheduled S Education Committee	

EFFECTIVE: August 28, 2005

***** SB 26 *****

0222S.01I

SENATE SPONSOR: Champion

SB 26 - This act increases the resource limits for public assistance eligibility from \$1,000 to \$2,000 for individuals and from \$2,000 to \$3,000 for married couples.

This act is similar to HB 345 (2001).

ANDY LYSKOWSKI

12/01/2004 Prefiled

01/05/2005 S First Read

S28

01/13/2005 Second Read and Referred S Aging, Families, Mental &
Public Health Committee

S84

EFFECTIVE: August 28, 2005

***** SB 27 *****

0322S.02I

SENATE SPONSOR: Champion

SB 27 - This act adds controlled substances in Schedule I. According to statute, a substance is placed in Schedule I if it has the high potential for abuse and has no accepted medical use in treatment or lacks safety for use in treatment under medical supervision. The substances added in this act are hallucinogenic or have a depressant effect on the central nervous system.

This act also makes changes to the controlled substances in Schedule II. According to statute, a substance is placed in Schedule II if it has a high potential for abuse, has currently accepted medical use in treatment or currently accepted medical use with severe restrictions, and abuse of the substance may lead to severe psychic or physical dependence.

This act also makes changes to the controlled substances in Schedule III. According to statute, a substance is placed in Schedule III if it has a potential for abuse less than the substances in Schedule I and II, has currently accepted medical use in treatment, and abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

This act also makes changes to the controlled substances in Schedule IV and V. According to statute, a substance is placed in Schedule V if it has a low potential for abuse compared to Schedule IV, has currently accepted medical use in treatment, and abuse of the substance may lead to limited physical dependence or psychological dependence relative to Schedule IV substances. Substances, including any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers, are added to Schedule V.

This act allows only a licensed pharmacist or registered technician to dispense, sell, or distribute products containing pseudoephedrine. Before purchasing these products, a person must produce a photo identification showing the person's date of birth and sign and print his or her name in a written log or receipt showing the date of purchase and the amount of the product. Pharmacies are required to immediately make the written log or receipt signed by customers available to law enforcement when requested. No one can buy more of these products than allowed by Section 195.417, RSMo.

The Department of Health and Senior Services may exempt products from Schedule V which it

finds are not used in illegal manufacture of methamphetamine or other dangerous substances. A manufacturer can apply for removal from the schedule and the department may grant such removal if the product is formulated in such a way so to effectively prevent the conversion of the active ingredient into methamphetamine.

This act requires that products containing pseudoephedrine be offered for sale only from behind a checkout counter where the public is not permitted and be sold only by a pharmacist or registered technician.

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S28
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S84

EFFECTIVE: August 28, 2005

*** SB 28 ***

0046S.02I

SENATE SPONSOR: Dolan

SB 28 - This act provides that the anti-kickback penalties specified in Section 191.905 will not apply to certain programs established by pharmaceutical companies. These programs provide financial assistance to patients with chronic, potentially disabling or life-threatening conditions who have been prescribed disease-managing medicines.

A new subsection 15 specifies that certain non-profit organizations are not prohibited from arranging and seeking access for their members to needed medical care or equipment or from referring their members to physicians and nurses. These organizations must have more than five years experience in serving members with chronic, potentially disabling or life-threatening conditions.

ANDY LYSKOWSKI

12/01/2004	Prefiled	
01/05/2005	S First Read	S28
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S84

EFFECTIVE: August 28, 2005

*** SB 29 ***

0230S.01I

SENATE SPONSOR: Dolan

SB 29 - This act provides that if a local zoning authority requires a legally erected billboard to be removed or altered a condition or prerequisite for obtaining a permit or license unrelated to billboards, then such requirement shall constitute a compelled removal. This type of removal is prohibited unless just compensation is paid.

This act is similar to SB 1182 (2004).

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S28

01/13/2005 Second Read and Referred S Economic Development, S84
 Tourism & Local Government Committee

EFFECTIVE: August 28, 2005

*** SB 30 ***

0229S.01I

SENATE SPONSOR: Dolan

SB 30 - Under this act, persons who install airbags that do not meet federal safety standards or install airbags that have been installed in another motor vehicle without disclosing such fact shall be guilty of a Class D felony (Section 307.156).

STEPHEN WITTE

12/01/2004 Prefiled
 01/05/2005 S First Read S28
 01/13/2005 Second Read and Referred S Transportation Committee S84

EFFECTIVE: August 28, 2005

*** SB 31 ***

0050S.03I

SENATE SPONSOR: Bartle

SB 31 - This act creates enabling legislation to construct toll roads provided a constitutional measure is passed by the Missouri voters.

TOLL ROADS AUTHORIZATION - This act authorizes the Transportation Commission to construct, maintain and operate toll facilities on the state highway system. The Commission is authorized to issue state toll facility revenue bonds to finance toll facility projects authorized by the General Assembly. Such bonds may be issued without the consent of the General Assembly. Bonds issued for toll facility projects shall not be deemed to constitute a debt or liability of the state and shall be payable solely from the state toll facility fund. Toll facility bonds shall be exempt from taxation. The Commission is required to obtain a study of the proposed toll facility project by one or more qualified independent consultants prior to commencing any project (Section 226.1200).

TOLL FACILITY PROJECTS - Prior to the commencement of any toll facility project, the Director of Transportation shall obtain a study of the proposed toll facility project by a qualified independent consultant. If the Director of Transportation determines, based upon the study, that the toll facility project is in the best interest of the state, the Director of Transportation shall then be required to obtain approval of the toll facility project by the General Assembly (Section 226.1200.3).

SPECIFIC TOLL FACILITY PROJECTS - Under the enabling legislation, the General Assembly authorizes a toll facility projects to be constructed upon Interstate 70 between St. Louis and Kansas City. The commission is authorized to construct these toll facility projects with the design-build project delivery system (section 226.1205). The toll for traveling the entire length of Interstate 70 is capped at \$5 (indexed for inflation).

STATE TOLL FACILITY FUND - The act establishes within the state treasury the "State Toll Facility Fund" which shall stand appropriated without any legislative action (Section 226.205). All tolls, fees, state toll facility revenue bond proceeds, and other charges imposed for using toll facilities shall be credited to the fund. The fund shall be used to pay:

(1) The costs of issuing state toll facility revenue bonds and refunding bonds, the costs of feasibility studies and the costs for constructing toll facilities;

(2) The cost of collecting toll facility revenues;

(3) The principal and interest on any outstanding state toll facility revenue bonds and refunding bonds.

If revenues in the state toll facility fund are insufficient to pay for authorized costs, the commission shall transfer amounts from the state road fund to keep the toll facility fund solvent. Transfers from the state road fund shall be repaid in the time and manner determined by the commission. The commission is authorized to continue to collect tolls and fees on all toll facilities until all costs have been repaid. Any amount in the state toll facility fund in excess of what is needed to pay authorized costs shall be transferred to the state road fund.

COLLECTION AND ENFORCEMENT OF TOLLS - The commission may use any method for imposing and collecting tolls, including toll tickets, barrier toll facilities, billing accounts, commuter passes and electronic recording or identification devices (Section 226.1215). The act further outlines the enforcement mechanisms the Department of Transportation may utilize to ensure that motorists pay for using state toll roads. The Commission may enforce the payment of tolls by using automated enforcement technology, including automatic vehicle license plate identification photography and video surveillance. The use of such automated enforcement technology may be used only for the purpose of recording the image of the nonpaying motorist's license plate. Photo monitoring system evidence which shows that a motorist has failed to pay a toll shall raise a rebuttable presumption that the motor vehicle was used in violation of the law. A collection fee, not to exceed \$100, may be charged to recover the cost of collecting an unpaid toll (Section 226.1230). A motorist who fails to pay a toll shall be guilty of an infraction punishable by a fine not to exceed \$200 (Section 226.1230.6). The act allows a court to install a device on the nonpaying motor vehicle that prohibits its movement. The nonpaying motorist may also have his or her motor vehicle registration voided until the toll and all fines are paid. The act also outlines what procedures must be taken in order to collect tolls and issue traffic citations.

This act is contingent upon the passage of a constitutional amendment that authorizes the Department of Transportation to construct and operate toll facilities.

This act is similar to SB 855 (2004) and SB 193 (2003).

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S28
01/13/2005	Second Read and Referred S Transportation Committee	S84

EFFECTIVE: Contingent

*** SB 32 ***

0099S.031

SENATE SPONSOR: Bartle

SB 32 - This act regulates sexually oriented businesses.

SECTION 64.2540 - This section defines numerous terms associated with sexually oriented businesses. The term "sexually oriented business" includes adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios, and sexual encounter centers. An employee of a

sexually oriented business must be 21 years of age as well as the person applying for the business's license.

SECTION 67.2542 - This section requires sexually oriented businesses to pay a \$5 admission tax for each person entering a sexually oriented business. The businesses shall pay the tax to the Department of Revenue and the money will be deposited into the "State Schools Money Fund".

This section also creates an adjusted gross receipts tax at a rate of twenty percent for all sexually oriented businesses. The taxes will be returned to the Department of Revenue and deposited into the state treasury to the credit of the state schools money fund.

SECTION 67.2544 - This section states that evidence of a sleeping room in a hotel or motel being rented two or more times in a period of less than 10 hours creates a rebuttable presumption that the establishment is an "adult motel".

A person in control of a room at a motel without a sexually oriented license who rents or subrents the room to a person, and within 10 hours from the time the room is rented, he or she rents the same room again, is guilty of a class A misdemeanor.

SECTION 67.2546 - This section prohibits the exhibition of sexually explicit films, videos, DVDs, and live entertainment in viewing rooms at sexually oriented businesses. A person who violates this provision is guilty of a Class A misdemeanor.

If a sexually oriented business allows specified criminal activity or specified sexual activity on the premises or otherwise fails to comply with these requirements, it shall be considered a nuisance and closed pursuant to Section 567.080, RSMo.

SECTION 67.2548 - This section prohibits anyone under the age of 21 from being employed by an escort agency. Any person who acts as an escort or agrees to do so for any person under the age of 21 is guilty of a Class A misdemeanor.

SECTION 67.2550 - This section prohibits anyone under the age of 21 from being employed by a nude model studio. A person under the age of 18 who appears nude or semi-nude at a nude model studio shall be adjudicated for an offense that would be a class A misdemeanor if he or she was an adult. It is a defense to adjudication if the individual is under the age of 16 and thus presumed to be unable to consent to participating in nude modeling. A person over the age of 18 and under the age of 21 shall be guilty of a Class A misdemeanor for such offense.

A person is guilty of a Class A misdemeanor if he or she appears nude or allows someone else to appear nude in an area at a nude model studio that can be viewed from a public right.

A nude modeling studio cannot place a bed, sofa, or mattress in a room, except for placing a sofa in the reception area.

SECTION 67.2552 - It is a Class A misdemeanor for a person to knowingly and intentionally appear nude or depict, perform, or simulate specified sexual activities in a sexually oriented business. This section also makes it a Class A misdemeanor for a person to knowingly or intentionally appear semi-nude unless the person is an employee who remains a specified distance away from the patrons and behind a railing.

It is a Class A misdemeanor for an employee, while semi-nude in a business, to solicit any pay or gratuity from a customer or for a customer to pay an employee while he or she is in a semi-nude state.

It is a Class A misdemeanor for an employee, while in a semi-nude state, to touch a customer or for a person to knowingly allow a person under 21 on the premises except for those on the premises for maintenance, repair work, or delivery of items.

This section prohibits a sexually oriented business from being open between the hours of 10 p.m. and 10 a.m. on weekdays and Saturdays. These businesses will be closed on state holidays and Sundays.

SECTION 67.2554 - This section allows any county, city, town or village to create an ordinance requiring sexually oriented businesses to be licensed. Any applicant for such a license must provide certain information on the application including personal description information, present contact information, and proof of age. A license shall not be issued to any person who has had a sexual offense, obscenity offense, or alcohol-related offense conviction during the past five years.

SECTION 67.2556 - This section allows any county, city, town or village to have zoning power to regulate the location of sexually oriented businesses.

This section also explains that the purpose of this legislation is to protect public policy interests such as mitigating the adverse secondary effects of sexually oriented businesses, limiting harm to minors, and reduction of crime.

SECTION 311.488 - This section prohibits the Supervisor of the Division of Alcohol and Tobacco Control from issuing a liquor license to a sexually oriented business.

SECTION 567.080 - This section states that any room, building or other structure regularly used for lewdness and assignation purposes is a public nuisance. Currently, only those places where prostitution is conducted are considered public nuisances.

Under this section, any person who establishes, maintains, uses, owns, or leases a place for lewdness, assignation, or prostitution is guilty of maintaining a nuisance. If convicted, a person will be by a fine of not more than \$1,000 and/or a short jail sentence.

An action to enjoin such a nuisance may be brought if a lessee, sublessee employee or agent of the owner, assignee, or partner of the owner, knew the nuisance was being maintained. Currently, the law provides for such an injunction only if the owner knows of such activity.

SECTION 573.503 - This section makes it a Class B misdemeanor for an adult cabaret employee to not complete a background check if required to do so by an order or ordinance. Currently, this section allows counties and St. Louis City to create an order or ordinance requiring employees of adult cabarets to complete background checks but there is no penalty for failing to do so.

SUSAN HENDERSON

01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S84
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EFFECTIVE: August 28, 2005

*** SB 33 ***

0129S.02I

SENATE SPONSOR: Bartle

SB 33 - This act alters the administrative law judges (ALJ) retirement system in the following ways:

- After August 28, 2005, all persons who for the first time become eligible for benefits under the ALJ retirement system will accrue benefits under the Missouri State Employees' Retirement System (MOSERS) for their first three years of service;

- After such three years of service, such persons will become eligible for ALJ retirement system benefits, and the person's first three years of service shall be credited as service under the ALJ retirement system and no longer credited under MOSERS;

- After August 28, 2005, persons appointed to the Labor and Industrial Relations Commission, the State Board of Mediation, and the Administrative Hearing Commission who fail to receive Senate confirmation will neither be eligible for benefits under MOSERS nor the ALJ retirement system for any service pursuant to such appointment.

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S28
01/12/2005	Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee	S75

EFFECTIVE: August 28, 2005

*** SB 34 ***

0438S.01I

SENATE SPONSOR: Clemens

SB 34 - This act amends the definition of employment as it pertains to unemployment compensation. The act states that owners and operators who lease motor vehicles with drivers to a for-hire motor carrier shall not be deemed employed for purposes of unemployment security.

JASON ZAMKUS

12/01/2004	Prefiled	
01/05/2005	S First Read	S28
01/13/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S84

EFFECTIVE: August 28, 2005

*** SB 35 ***

0429S.01I

SENATE SPONSOR: Clemens

SB 35 - This act amends workers' compensation law as follows:

(1) Owner-operators of for-hire motor carriers, operating in a commercial zone or under a certificate issued by the Missouri Department of Transportation or by the United States Department of Transportation, or its subagencies shall not be deemed to be employees under Missouri workers'

compensation law;

(2) For-hire motor carriers shall not be deemed an employer of lessors of motor vehicles or lessor's employee.

JASON ZAMKUS

12/01/2004 Prefiled

12/17/2004 Bill Withdrawn

S28

EFFECTIVE: August 28, 2005

*** SB 36 ***

0188S.02I

SENATE SPONSOR: Nodler

SB 36 - This act increases the number of voting members on the governing board of Missouri Southern State University-Joplin from seven to eight.

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read

S28

01/12/2005 Second Read and Referred S Education Committee

S75

01/18/2005 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2005

*** SB 37 ***

0041S.03I

SENATE SPONSOR: Nodler

SB 37 - Under this act, a person who commits involuntary manslaughter is guilty of a class A felony if at least one of the following conditions exist:

- The person has a blood alcohol level that is one and a half times the legal limit; or

- A fatality occurs when the person's vehicle leaves a public thoroughfare.

SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read

S28

01/12/2005 Second Read and Referred S Judiciary and Civil & Criminal

S75

Jurisprudence Committee

EFFECTIVE: August 28, 2005

*** SB 38 ***

0439S.01I

SENATE SPONSOR: Nodler

SB 38 - This act removes the portion of I-44 in Jasper County from the designation of George Washington Carver Memorial Highway. This portion was already designated as the "Congressman Gene Taylor Highway" prior to the creation of the George Washington Carver Memorial Highway.

This act is identical to SB 770 (2004).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read

S28

01/13/2005 Second Read and Referred S Transportation Committee S84

EFFECTIVE: August 28, 2005

*** SB 39 ***

0227S.011

SENATE SPONSOR: Bray

SB 39 - This act closes the standard drug benefit coverage gap for certain seniors that was created due to the enactment of the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

MISSOURI SENIOR PRESCRIPTION DRUG PLAN - The "Missouri Senior Prescription Drug Plan" is created within the Department of Health and Senior Services. The plan shall be effective upon notice to the Revisor by the Commission that the Medicare Act of 2003 has been fully implemented.

APPROPRIATIONS FOR THE PLAN - This plan is not an entitlement and is only a payer of last resort. Benefits are limited to the amounts appropriated for the plan. If the costs exceed the amounts appropriated, then the Commission may request a supplemental appropriation to fund the plan or may direct the prescription drug plan (PDP) sponsors to implement cost-control measures, such as increasing the amount of co-insurance.

BENEFIT - Subject to appropriations and other available funds, the plan shall provide gap coverage up to a total benefit of \$2,138 for each eligible senior in the first year of the plan and thereafter, the amount shall be adjusted annually each year based upon the Medicare Act of 2003.

ELIGIBILITY - Individuals who are 65 and older and are a participant in the Medicare Part D benefit will be eligible for the plan if their income is:

- within 150% to 200% of the federal poverty level; or
- below 150% of the federal poverty level and they fail the asset test.

APPLICATIONS FOR THE PLAN - Applications for the Missouri Senior Prescription Drug Plan will be conducted jointly with applications for the Medicare Part D benefit. The enrollment period for the state plan shall correspond with the enrollment period for the federal program.

COVERAGE - The plan shall provide coverage for only the prescription drugs covered in the PDP sponsors' formulary under the federal program. The plan shall not include coverage for any of the following drugs:

- those used for anorexia and weight gain;
- those used to promote fertility;
- those used for cosmetic purposes or hair growth;
- those used for coughs or colds;
- prescription vitamins;
- nonprescription drugs;
- barbiturates; and
- benzodiazepines.

The plan shall also exclude any drugs that are not "reasonable and necessary" as defined pursuant to the federal program. For covered prescription drugs, the state plan shall not be charged an amount in excess of the price charged pursuant to the federal program.

MISSOURI SENIOR PRESCRIPTION DRUG PLAN COMMISSION - The "Missouri Senior Prescription Drug Plan Commission" is created and will be composed of twelve members. Members appointed by the Governor shall serve for three years, legislative members shall serve for their current term of office, and all other members shall serve for as long as they hold the position which made them eligible for appointment.

ADMINISTRATION OF THE COMMISSION - Members of the Commission shall receive no compensation, but may be reimbursed for any expenses incurred. The Commission may also employ administrative staff as necessary to assist the Commission.

DUTIES OF THE COMMISSION - The Commission shall have the authority to:

- contract with PDP sponsors for implementing and administering the plan and determining eligibility;
- adjust the fee payments with PDP sponsors;
- set and adjust co-insurance at different amounts;
- coordinate with the Missouri Senior Rx Commission to avoid any duplication in coverage and to ensure a smooth transition between the two programs;
- apply for federal waivers and grants;
- promulgate rules; and
- perform any other function necessary for the implementation of the plan.

MISSOURI SENIOR PRESCRIPTION DRUG PLAN CLEARINGHOUSE - The "Missouri Senior Prescription Drug Plan Clearinghouse" is created within the Commission. The purpose of the Clearinghouse is to assist all Missourians in accessing prescription drugs programs, to educate the public on quality drug programs, to maintain a toll-free number, and to provide information on eligibility, enrollment, and benefits for the plan on the Department's website.

TERMINATION OF THE MISSOURI SENIOR PRESCRIPTION DRUG PLAN - The Missouri Senior Prescription Drug Plan shall be subject to reauthorization every four years.

MISSOURI SENIOR RX PROGRAM - Applicants not currently participating in the program must submit an initial enrollment application to the Division. Initial applications will be accepted during an open enrollment period from January 1 through February 28 of each year. Current enrollees will automatically remain in the program unless they specifically opt-out during the open enrollment period. The Division shall establish procedures to verify an applicants' continued eligibility (This provision is identical to HB 894 (2004)).

MISSOURI SENIOR RX FUND - Moneys in the Missouri Senior Rx Fund shall be credited to the Missouri Senior Prescription Drug Plan Fund after notice is provided to the Revisor that the Medicare Act of 2003 has been fully implemented.

TERMINATION OF THE MISSOURI SENIOR RX PROGRAM - The Missouri Senior Rx Program shall terminate after notice is provided to the Revisor of Statutes that the Medicare Act of 2003 has been fully implemented.

ANDY LYSKOWSKI

01/13/2005 Second Read and Referred S Aging, Families, Mental & S84
Public Health Committee

EFFECTIVE: August 28, 2005

*** SB 40 ***

0440S.01I

SENATE SPONSOR: Bray

SB 40 - This act prohibits any governmental entity from prohibiting, interfering with, or discriminating against the right of consenting adults to obtain or use safe contraception.

Nothing in this act shall be construed to prevent the implementation of any laws, rules, or taxes relating to the sale or distribution of contraceptives provided that they are reasonably designed to promote public health and do not hinder public access to contraceptives.

ANDY LYSKOWSKI

12/01/2004 Prefiled
01/05/2005 S First Read S40
01/13/2005 Second Read and Referred S Financial & Governmental S84
Organizations and Elections Committee

EFFECTIVE: August 28, 2005

*** SB 41 ***

0434S.01I

SENATE SPONSOR: Bray

SB 41 - This act makes criminally negligent storage of a firearm a Class A misdemeanor.

A person commits the crime of criminally negligent storage of a firearm if the person stores or keeps any loaded or unloaded firearm with ammunition under his or her control and knowingly or reasonably should know a minor is capable of gaining access to the firearm and the minor uses the firearm to threaten or cause the death of any person.

A person does NOT commit this crime if: (1) the firearm is stored in a locked box; (2) the firearm has a locking mechanism; (3) the firearm is stored in a dismantled state and stores at least one part which is essential to the operation of the firearm in a locked box; or (4) the ammunition is stored away from an unloaded firearm in a locked box. A minor who uses a weapon in self-defense or is being supervised while engaged in hunting or another lawful purpose does not fall under this law. A person does not commit this crime if the minor obtained possession of the firearm due to unlawful entry onto the premises.

This act requires firearm dealers to post a written warning about the provision of this section in a conspicuous place where firearms are sold.

This act is similar to SB 946 (2004).

SUSAN HENDERSON

12/01/2004 Prefiled
01/05/2005 S First Read S28
01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal S84
Jurisprudence Committee

EFFECTIVE: August 28, 2005

*** SB 42 ***

0400S.01I

SENATE SPONSOR: Days

SB 42 - Current law expresses that school districts may coordinate with public, private, and private not-for-profit agencies for the delivery of efficient early childhood special education. This act changes the aforementioned "may" to "shall".

This act requires school districts providing early childhood special education to give consideration to the value of continuing services with Part C providers for the remainder of a school year when developing an individualized education program for a student who has received services pursuant to Part C of the Individuals with Disabilities Education Act and reaches the age of three years during a regular school year. Further, the act removes language from the section which specifies that preference shall be given to the continuation of services with the student's private provider unless the cost exceeds the average per student cost of early childhood education in the district.

This act is identical to SB 1087 (2004).

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read

S28-29

01/13/2005 Second Read and Referred S Education Committee

S84

EFFECTIVE: August 28, 2005

*** SB 43 ***

0463S.01I

SENATE SPONSOR: Days

SB 43 - This act makes several changes to the laws regarding the use of credit information by insurance companies.

This act modifies the definition of "adverse action" to have the same meaning as provided in federal law. Adverse actions include cancellation, denial, or non-renewal of personal insurance coverage or any unfavorable change in the terms of coverage, including charging a higher premium. This act adds several specific types of insurance products to the definition of an insurance "contract". The current law on the use of credit information only applies automobile insurance policies and property insurance policies.

This act repeals a provision that allows insurers to take adverse actions against persons based on an inability to compute their insurance credit scores. The act prohibits insurance companies from using loss information in calculating its insurance credit scores if it also uses loss information separately to calculate its rates.

This act prohibits insurers from considering an absence of credit information or the inability to calculate an insurance score in underwriting insurance. This act requires insurers to use underwriting factors other than credit information to underwrite any policy that has been in force for more than 36 months. This act allows any insured to request a current credit report and a re-rating of their policy at each annual renewal. This act prohibits insurers and credit reporting agencies from using as a negative factor in underwriting any credit inquiry not initiated by the insured, collection accounts with a medical industry code, multiple credit inquiries within a 30-day period, the absence of credit history, the use of a particular type of credit or debit card, or a consumer's total available line of credit. This act also requires insurers to file their credit scoring

models or processes with the department and makes any insurer's filing of a model or process related to credit information a trade secret and protected from public disclosure pursuant to Sections 417.450 through 417.467, RSMo.

This act is similar to SB 1173 and HB 1131 (2004).

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/13/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S84

EFFECTIVE: August 28, 2005

*** SB 44 ***

0265S.01I

SENATE SPONSOR: Wheeler

SB 44 - This act creates a tax deduction of up to \$10,000 for expenses incurred by an individual who donates his or her organs. The act defines which organs qualify for the deduction, as well as what expenses will be deductible. The deduction is not available for a part-year resident or a nonresident.

The act has an effective date of January 1, 2006.

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/13/2005	Second Read and Referred S Ways & Means Committee	S84

EFFECTIVE: January 1, 2006

*** SB 45 ***

0193L.01I

SENATE SPONSOR: Purgason

SB 45 - This act requires that persons appointed to both the Labor and Industrial Relations Commission and the State Board of Mediation serve seventy-five percent of a term in order to qualify for participation in the administrative law judge retirement system.

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/12/2005	Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee	S75

EFFECTIVE: August 28, 2005

*** SB 46 ***

0066L.01I

SENATE SPONSOR: Purgason

SB 46 - Currently, the law requires the public water system to report the results of all state-required tests on drinking water to the Department of Natural Resources. Also, it must report to each customer in accordance with the federal Safe Drinking Water Act. According to this act, the Department of Natural Resources shall not require that such reports be mailed or directly delivered to customers.

MEGAN WORD

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/12/2005	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S75

EFFECTIVE: August 28, 2005

*** SB 47 ***

0291S.01I

SENATE SPONSOR: Crowell

SB 47 - This act modifies the sales tax holiday by removing the local opt out provisions. The act also moves the holiday back one week to the first weekend in August. The current law is set to expire July 1, 2005. The act removes the expiration entirely.

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/13/2005	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S84

EFFECTIVE: August 28, 2005

*** SB 48 ***

0266S.01I

SENATE SPONSOR: Crowell

SB 48 - This act holds the tuition charged to Missouri undergraduates constant for the four continuous academic years following the student's initial enrollment at any institution of higher education in Missouri that receives any state funds whatsoever.

If a Missouri student is enrolled in an undergraduate degree program that requires more than four years to complete, that student's tuition shall remain constant for the customary time required to complete the degree program. The customary time required to complete a degree program shall be defined by the institution offering the program.

If an undergraduate student from Missouri changes majors, the tuition charged to the student shall equal the amount the student would have been assessed had the student been admitted to the changed major program when the student first enrolled in college.

This act is identical to SB 780 (2004).

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/13/2005	Second Read and Referred S Education Committee	S84

EFFECTIVE: August 28, 2005

*** SB 49 ***

0296S.01I

SENATE SPONSOR: Crowell

SB 49 - This act prohibits immunizations containing mercury preservatives after January 1, 2007. Any immunizations administered to children under eight years of age shall not contain any mercury preservatives, including thimerosal. The FDA's designation of an immunization as "thimerosal free" or "trace only" shall comply with this act. Any person who receives an

immunization not designated as "thimerosal free" or "trace only" shall be notified in advance that it contains a mercury-based preservative.

Beginning January 1, 2007, insurers who provide coverage for immunizations on a fee schedule or a percentage reimbursement basis shall reimburse at the same rate for immunizations not containing mercury.

The Director of the Department of Health and Senior Services will be exempt from compliance with this act by providing documentation of a pending outbreak requiring a public vaccination program for which a sufficient supply of mercury-free vaccines are not available. Any person receiving an exempted vaccination shall be notified in advance that it contains a mercury-based preservative. The Director shall determine the duration of the exemption. The required documentation shall be submitted to the chairs of the committees in the House of Representatives and the Senate whose jurisdiction covers public health policy.

This act is identical to HB 852 (2004).

ANDY LYSKOWSKI

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/12/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S75

EFFECTIVE: August 28, 2005

*** SB 50 ***

0252L.01I

SENATE SPONSOR: Taylor

SB 50 - This act requires persons registering to vote to provide a copy of their birth certificate or other proof of U.S. citizenship.

This act is similar to HCS/HB 900 (2004).

JIM ERTL

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/12/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	S75

EFFECTIVE: August 28, 2005

*** SB 51 ***

0206L.01I

SENATE SPONSOR: Taylor

SB 51 - This act provides that for certain offenses involving unauthorized recordings the penalty is a fine of not more than \$50,000 or a prison sentence of not more than five years if the offense involves 100 or more articles. Currently, the statute says that such a penalty is applicable to offenses involving 1,000 or more articles.

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S29

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal S84
Jurisprudence Committee
01/18/2005 Hearing Scheduled S Judiciary and Civil & Criminal
Jurisprudence Committee

EFFECTIVE: August 28, 2005

*** SB 52 ***

0417S.01I

SENATE SPONSOR: Loudon

SB 52 - This act denies noneconomic damages for injuries to persons who at the time of the accident were operating a motor vehicle in violation of the DWI, excessive BAC, or financial responsibility laws. A person who is injured in an accident who failed to maintain financial responsibility on the motor vehicle shall not be precluded from recovering noneconomic damages if the injuries were caused by a drunk driver. The insurer shall not be liable to indemnify for noneconomic losses for an injured person who was operating his or her vehicle in violation of the aforementioned laws.

This act is identical to SB 1381 (2004).

STEPHEN WITTE

12/01/2004 Prefiled
01/05/2005 S First Read S29
01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal S84
Jurisprudence Committee

EFFECTIVE: August 28, 2005

*** SB 53 ***

0416S.01I

SENATE SPONSOR: Loudon

SB 53 - This act requires the Circuit Clerk of the City of St. Louis to be appointed by a majority of the circuit judges of the circuit court of St. Louis. The Circuit Clerk shall be removable for cause by a majority of the circuit judges. These provisions shall become effective on January 1, 2006.

This act is similar to SB 931 (2004).

JIM ERTLE

12/01/2004 Prefiled
01/05/2005 S First Read S29
01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal S84
Jurisprudence Committee

EFFECTIVE: August 28, 2005

*** SB 54 ***

0402S.01I

SENATE SPONSOR: Loudon

SB 54 - This act eliminates straight ticket voting. The act prohibits any ballot from allowing a person to cast a straight political party ticket in any partisan election.

JIM ERTLE

12/01/2004 Prefiled
01/05/2005 S First Read S29

01/12/2005 Second Read and Referred S Financial & Governmental S75
Organizations and Elections Committee

EFFECTIVE: August 28, 2005

*** SB 55 ***

0287S.01I

SENATE SPONSOR: Klindt

SB 55 - This act makes information collected in the course of an insurance compliance audit privileged information and not discoverable in civil, criminal or administrative proceedings unless an exception applies.

Insurance compliance self-evaluative documents submitted to the Director of Department of Insurance in conjunction with other examinations are confidential. Audit documents submitted to the department of insurance remain property of the insurer and are not subject to disclosure under the Sunshine Law. Persons preparing the audit documents shall not be examined in civil, criminal or administrative hearings unless the documents are not privileged (Section 375.1064).

The privilege established in this act shall not apply to documents which are expressly waived. In a civil or administrative proceeding, a court may require disclosure of materials, after in-camera review, if it determines that the privilege was asserted for a fraudulent purpose or that the privilege does not apply. The court can also require the disclosure of materials if the court finds that the material contains evidence relevant to the breach of a civil duty owed by the insurer to others and the following factors are present:

- (1) The person requesting the information has a compelling need for it;
- (2) The information is not otherwise available; and
- (3) The person requesting the information is unable to obtain the substantial equivalent of the information by any means without incurring unreasonable cost and delay.

A court may order disclosure of materials in a criminal proceeding, after in-camera review, if it determines that the privilege was asserted for a fraudulent purpose, that the privilege does not apply or that material contains relevant evidence of a crime which is not otherwise available (Section 375.1065).

The privilege is deemed to be waived by the insurer 30 days after receiving a request for disclosure of a self-evaluative audit by a prosecutor or the attorney general, unless the insurer files a petition for an in camera examination. After conducting an in-camera review of the insurance compliance audit document, the court may require disclosure of any portion of the document it determines is not privileged. Any compelled disclosure of an audit will not make the audit a public document or be deemed a waiver of the privilege for any other civil, criminal or administrative proceeding (Section 375.1066).

An insurer has the burden of demonstrating the applicability of the privilege (Section 375.1067).

The privilege shall not apply to:

- (1) Documents expressly required to be collected, maintained or reported to regulatory agencies pursuant to law;
- (2) Information obtained by observation or monitoring by any regulatory agency; or

(3) Information obtained from an independent source.

The privilege created by this act shall apply to all litigation or administrative proceedings initiated after the effective date of this act (Section 375.1069).

This act is similar to SB 908 (2004), SB 406 (2003), SB 1157 (2002) and HB 927 (2001).
STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/13/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S84

EFFECTIVE: August 28, 2005

*** SB 56 ***

0459S.011

SENATE SPONSOR: Klindt

SB 56 - This act changes the law pertaining to scrap tires.

This act changes the definition from "waste tire" to "scrap tire" and clarifies that for any rules currently in place for the program and any rules promulgated pursuant to provisions within this act, the terms "scrap" and "waste" shall be used synonymously.

This act eliminates the two dollar cap for scrap tires. This act extends the scrap tire fee until January 1, 2010. This act goes on to restructure the allocation of revenue derived from that fee. A portion of the revenue remains with the Department of Natural Resources for the purpose of removal efforts over five years. The allocation of revenue changes throughout that time, with seventy five percent of revenue allocated in FY 2006 for such purpose, fifty percent of revenue allocated in FY 2007, twenty-five percent of revenue allocated in FY 2008, twenty percent of revenue allocated in FY 2009, and for FY 2010, ten percent of revenue shall be allocated to the Department of Natural Resources for the purpose of scrap tire removal. The act extends and modifies the fee distribution after FY 2010. The money from the fee shall continue to be apportioned to the Department of Economic Development for recycling but changes that funneled to the Department of Natural Resources; for FY 2010 and the subsequent five years, DNR's moneys are to be used to fund solid waste districts. The distribution shall occur so that each district operates at a minimum funding level of \$75,000 from all state sources and any or all surplus revenue after that point shall be distributed equally between the districts. In no fiscal year shall the department spend more than twenty percent of revenue allocated on administration costs.

In each fiscal year, the portion of revenue derived from the scrap tire fee not allocated to the Department of Natural Resources shall be divided equally between the Department of Economic Development, the environmental improvement and energy resources authority, and the Missouri development finance board as well as the school district safe surfacing fund, established in this act. These moneys shall be used primarily for the development, creation, and promotion of innovative products made from recycled scrap tires. Namely, to fund the construction of safe surfaces for Missouri schools and the awarding of incentive grants for such purpose. All revenue allocated towards the development, creation, and promotion of innovative products made from recycled scrap tires shall be administered by the Department of Economic Development and no more than fifteen percent of allocated revenue shall be spent on administration costs in any fiscal year.

This act directs both the Department of Natural Resources and the Department of Economic Development to prepare and submit annual reports by February 1 to the Governor and General Assembly on scrap tire removal efforts and incentive grants provided under the provisions of this act.

This act eliminates the statutes currently dealing with the educational and training programs conducted by the Department of Natural Resources.

This act has an emergency clause.

HENRY HERSCHEL

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/12/2005	Second Read and Referred S Commerce, Energy and the Environment Committee	S75

EFFECTIVE: August 28, 2005

*** SB 57 ***

0258S.03I

SENATE SPONSOR: Klindt

SB 57 - This act exempts certain employees of a title agency or title insurer from possessing a license. An employee will not be required to hold a license if:

(1) He or she is an escrow processor whose primary responsibility is to obtain and prepare figures for closing real estate transactions.

(2) The employee's primary duties are limited to clerical functions.

(3) The employee's primary duties are limited to providing technical support or advice regarding business systems, software or other business equipment.

In order to qualify for the above exemptions, the employee cannot quote or negotiate title insurance rates or determine title insurance policy coverages.

This act reduces the fee to obtain a license to sell title insurance from \$100 to \$40.

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/13/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S84

EFFECTIVE: August 28, 2005

*** SB 58 ***

0328S.01I

SENATE SPONSOR: Dougherty

SB 58 - Currently, on top of the regular user fee an additional \$3 fee is charged and collected. This act increases the additional fee to \$5. Of this \$5 fee, \$4.50 shall be forwarded monthly by the recorder of deed to the Director of Revenue. The remaining 50 cents will be deposited in the recorder's fund.

In addition, this act provides that an additional fee of \$1 be charged and collected by each recorder. The fees collected will be forwarded monthly to the Director of Revenue.

The \$4.50 fee will be placed in the Missouri Housing Trust Fund. Under this act, the additional \$1 fee will be deposited in the Lifetime Home Fund.

This act is identical to SB 915 (2004).

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/13/2005	Second Read and Referred S Ways & Means Committee	S84

EFFECTIVE: August 28, 2005

*** SB 59 ***

0435S.01I

SENATE SPONSOR: Dougherty

SB 59 - This act broadens the definition of "genetic information" and "genetic testing". Under this act, no insurer may deny coverage to an individual or impose different premium rates on the basis of the individual's genetic information. This act applies to applications for coverage made on or after August 28, 2005, and to policies issued or renewed after such date. Under this act, an employer may not obtain genetic information of an employee or prospective employee nor shall an employer require the collection of a DNA sample of an employee or prospective employee. This act also broadens the scope of relief for a person harmed by genetic testing to include civil damages.

This act is identical to SB 747 (2004) and SB 114 (2003).

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/13/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S84

EFFECTIVE: August 28, 2005

*** SB 60 ***

0247L.01I

SENATE SPONSOR: Dougherty

SB 60 - This act requires the incremental increase of the foster care reimbursement rate and the adoption subsidy rate over four years beginning in the 2006 fiscal year. Both rates shall be increased until they meet or exceed rates established by the United States Department of Agriculture.

This act is similar to SB 914 (2004).

LORIE TOWE

12/01/2004	Prefiled	
01/05/2005	S First Read	S29
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S84

EFFECTIVE: August 28, 2005

*** SB 61 ***

0297S.01I

SENATE SPONSOR: Cauthorn

SB 61 - This act specifies that sales of tangible personal property at prison canteens are subject to the statewide sales tax on those items, with the exception of hygiene products and items used in the preparation of legal documents. The money collected by the canteens will be remitted quarterly to the Department of Revenue, for credit to the general revenue fund. The Department of Corrections shall be allocated a portion of the funds for administration of the tax and paying a full-time employee to manage the collection of the tax.

This act is identical to SCS/SB 812 (2004).

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S29-30
01/13/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	S84

EFFECTIVE: August 28, 2005

*** SB 62 ***

0310S.01I

SENATE SPONSOR: Cauthorn

SB 62 - This act allows hand fishing for catfish or carp in the months of June and July in the state under the regulation of the Department of Conservation.

This act is similar to SB 1153 (2004).

MEGAN WORD

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/12/2005	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S75

EFFECTIVE: August 28, 2005

*** SB 63 ***

0302S.01I

SENATE SPONSOR: Cauthorn

SB 63 - This act creates an deduction from an individual taxpayer's Missouri adjusted gross income for the amount of annuity, pension and retirement allowances provided to the taxpayer during the tax year from a private or non-private source. The taxpayer must be age 65 or older. The act phases in the exemption over four years to an eventual \$6,000 deduction.

The act takes effect for tax years beginning on or after January 1, 2006.

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee	S84

EFFECTIVE: August 28, 2005

*** SB 64 ***

0409S.01I

SENATE SPONSOR: Kennedy

SB 64 - This act creates the Medical Imaging and Radiation Therapy Quality Assurance Act. Any person administering medical imaging and radiation therapy procedures is required to be licensed by the newly created Medical Imaging and Radiation Therapy Board of Examiners. Such Board shall be located with the division of professional registration. The act exempts certain health care professionals, such as physicians, dentists, chiropractors, podiatrists, registered nurses and certain qualified persons currently practicing medical imaging and radiation therapy from the licensure requirements.

Certain education and experience requirements are enacted for applicants to be licensed as radiographers, radiation therapists, nuclear medicine technologists and dental radiographers. Medical facilities, dental facilities, educational institutions and other public and private institutions wishing to offer programs in medical imaging and radiation therapy must meet certain requirements of the Board. The Board is granted additional powers to adopt rules, give examinations, issue temporary licenses, require continuing education as part of the renewal of a license renewal, and to discipline licensees. The Board shall investigate complaints, file charges, hold hearings, render judgements and hear appeals when warranted to seek discipline of a licensee. Further, the Board is granted subpoena power for the appearance of witnesses.

Any violation of this act shall be a Class A misdemeanor.

This act is identical to SB 1236 (2004).

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S84

EFFECTIVE: August 28, 2005

*** SB 65 ***

0125S.01I

SENATE SPONSOR: Coleman

SB 65 - This act allows the court to order, in addition to other penalties, the convicted person to reimburse law enforcement for reasonable costs associated with arrests involving violations of county or municipal ordinances relating to prostitution, including the cost of blood testing.

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S84
01/18/2005	Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee	S84

EFFECTIVE: August 28, 2005

*** SB 66 ***

0052S.01I

SENATE SPONSOR: Coleman

SB 66 - Under the provisions of this act, the Coordinating Board for Higher Education will provide tuition grants to the surviving children of any member of the military who was killed in the line of duty and who was, at the time of death, a citizen of Missouri.

The act delineates specific eligibility criteria for both the recipients and the higher education institutions. Grant awards are limited the actual tuition charged to the student or the amount of tuition charged a Missouri resident at the University of Missouri for attendance as a full-time student, whichever is lower.

The Coordinating Board will administer the program.
DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee	S84

EFFECTIVE: August 28, 2005

*** SB 67 ***

0127S.01I

SENATE SPONSOR: Coleman

SB 67 - This act changes the definition in Section 567.010, RSMo, of "prostitution-related offense" to include any violation of state law or county or municipal ordinance related to prostitution, patronizing prostitution, or promoting prostitution.

This act is identical to SB 818 (2004).
SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S84
01/18/2005	Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE: August 28, 2005

*** SB 68 ***

0418S.01I

SENATE SPONSOR: Shields

SB 68 - This act creates a sales and use tax exemption for college athletic events. The events must be played at a public facility, which facility must be a neutral site for the competing teams.
JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Ways & Means Committee	S84

EFFECTIVE: August 28, 2005

*** SB 69 ***

0428S.01I

SENATE SPONSOR: Shields

SB 69 - This act authorizes the Governor to convey land in Jackson County to the City of

Kansas City. This is the current location of the Division of Probation and Parole and the Division of Employment Security.

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/12/2005	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S75

EFFECTIVE: August 28, 2005

*** SB 70 ***

0405S.01I

SENATE SPONSOR: Shields

SB 70 - This act modifies the BUILD tax credit by enabling a development agency or an entity working on behalf of the development agency to act in the same capacity as an "eligible industry" within the scope of the BUILD credit. Development agencies are defined in existing statute and consist of governmental or quasi-governmental entities. Currently, eligible industries receive benefits under the BUILD program.

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S84

EFFECTIVE: August 28, 2005

*** SB 71 ***

0306S.01I

SENATE SPONSOR: Griesheimer

SB 71 - This act expands those state employees who may be granted leave with pay while acting as a disaster service volunteer, to include not only individuals certified by the American Red Cross but also by the State Emergency Management Agency Partnership Committee.

This act is identical to SB 1287 (2004).

JASON ZAMKUS

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/12/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	S75

EFFECTIVE: August 28, 2005

*** SB 72 ***

0309S.01I

SENATE SPONSOR: Griesheimer

SB 72 - This act requires insurance companies to provide coverage for computerized prosthetic devices (arms and legs). The mandate shall not apply to certain types of policies such as accident-only, specified disease, long-term care policies or other types of limited benefit health insurance policies. The mandate applies to health insurance policies issued or renewed on or after January 1, 2006. The mandated coverage shall not be subject to greater deductibles or copayments than other types of health care services.

This act is similar to SB 1362 (2004).

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S84

EFFECTIVE: August 28, 2005

*** SB 73 ***

0225S.01I

SENATE SPONSOR: Champion

SB 73 - This act allows the chief law enforcement officer of the county to maintain a web page on the Internet which shall be open to the public and shall include a registered sexual offender search capability.

Only the name of the offender, the last known address of the offender, a photograph of the offender, and the crime or crimes for which the offender was convicted that caused him or her to have to register shall be available to the public.

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S84
01/18/2005	Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE: August 28, 2005

*** SB 74 ***

0224S.01I

SENATE SPONSOR: Champion

SB 74 - This act prohibits immunizations containing mercury preservatives after April 1, 2007. Any immunizations administered to children under seven years of age shall not contain any mercury preservatives, including thimerosal. The Food and Drug Administration's designation of an immunization as "thimerosal free" or "trace only" shall comply with this act. Any person who receives an immunization not designated as "thimerosal free" or "trace only" shall be notified in advance that it contains a mercury-based preservative.

Beginning April 1, 2007, insurers, health service corporations, or health maintenance organizations who provide coverage for immunizations on a fee schedule or a percentage reimbursement basis shall reimburse at the same rate for immunizations not containing mercury.

The Director of the Department of Health and Senior Services will be exempt from compliance with this act by providing documentation of a pending outbreak requiring a public vaccination program for which a sufficient supply of mercury-free vaccines are not available. Any person receiving an exempted vaccination shall be notified in advance that it contains a mercury-based preservative. The Director shall determine the duration of the exemption. The required documentation shall be submitted to the chairs of the committees in the House of Representatives and the Senate whose jurisdiction covers public health policy.

This act is identical to SCS/HB 852 (2004).

ANDY LYSKOWSKI

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S84

EFFECTIVE: August 28, 2005

*** SB 75 ***

0445S.011

SENATE SPONSOR: Champion

SB 75 - This act closes the standard drug benefit coverage gap that was created due to the enactment of the Medicare Act of 2003.

SECTION 208.568 - Moneys in the Missouri Senior Rx Fund shall be credited to the Missouri Senior Prescription Drug Plan Fund after notice is provided to the Revisor that Medicare Act of 2003 has been fully implemented.

SECTION 208.574 - The provisions of the Missouri Senior Rx Program shall terminate after notice is provided to the Revisor that the Medicare Act of 2003 has been fully implemented.

SECTION 208.575(1) - This subsection provides definitions for "eligible senior", "2006 standard drug coverage gap", and "prescription drug plan sponsors (PDP)".

SECTION 208.575(2) - The "Missouri Senior Prescription Drug Plan" is created within the Department of Health and Senior Services. The plan shall be effective upon notice to the Revisor by the Commission that the Medicare Act of 2003 has been fully implemented.

SECTION 208.575(3) - This plan is not an entitlement and is only a payer of last resort. The benefits shall be limited to the amounts appropriated for the plan. If the costs of the plan exceed the amounts appropriated, the Commission may request a supplemental appropriation to fund the plan or may direct PDP sponsors to implement cost control measures.

SECTION 208.575(4) - Subject to appropriations and other available funds, the plan shall pay seventy-five percent of the 2006 standard drug benefit coverage gap of up to \$2850, which shall not exceed \$2138, for each eligible senior each year.

SECTION 208.575(5) - Applications for the program will be conducted jointly with applications for the Medicare Part D benefit. The enrollment period for the state plan shall correspond with the enrollment period for the federal program.

SECTION 208.575(6), (7), & (8) - The plan shall provide coverage for only the prescription drugs covered in the PDP sponsors' formulary under the federal program. The plan shall not include coverage for any of the following drugs:

- those used for anorexia and weight gain;
- those used to promote fertility;
- those used for cosmetic purposes or hair growth;
- those used for coughs or colds;
- prescription vitamins;

- nonprescription drugs;
- barbiturates; and
- benzodiazepines.

The plan shall also exclude any drugs that are not "reasonable and necessary" as defined pursuant to Section 1862(a) of P.L. 108-173.

SECTION 208.575(9) - For the covered prescription drugs, the state plan shall not be charged an amount in excess of the price charged pursuant to the federal program.

SECTION 208.577(1) & (2) - The "Missouri Senior Prescription Plan Commission" is created and shall be composed of 12 members. Members appointed by the Governor shall serve for three years, legislative members shall serve for their current term of office, and all other members shall serve for as long as they hold the position which made them eligible for appointment.

SECTION 208.577(3) & (4) - Members of the Commission shall receive no compensation, but may be reimbursed for any expenses incurred. The Commission may also employ administrative staff as necessary to assist the Commission.

SECTION 208.577(5) - The Commission shall have the authority to contract with PDP sponsors for implementing and administering the plan and for determining the eligibility of applicants. The Commission shall also have the authority to adjust the fee payments with PDP sponsors, coordinate with the Missouri Senior Rx Commission to avoid any duplication in coverage and to ensure a smooth transition between the two programs, and perform any other function necessary for the implementation and administration of the plan.

SECTION 208.577(6) & (7) - The Commission may apply for any federal waivers or grants. The Commission shall have rule-making authority for the implementation of sections 208.575 and 208.583.

SECTION 208.579(1) & (2) - The "Missouri Senior Prescription Plan Clearinghouse" is established within the Commission. The Commission may submit proposals for the third-party administration of the Clearinghouse. The purpose of the Clearinghouse is to assist all Missourians in accessing prescription drugs programs, to educate the public on quality drug programs, to maintain a toll-free number, and provide information on eligibility, enrollment, and benefits for the plan on the Department's website.

SECTION 208.581 - The "Missouri Senior Prescription Drug Plan Fund" is created within the State Treasury. The fund will consist of appropriations by the General Assembly, federal moneys, or moneys from other sources. Moneys in the fund shall be used solely by the Commission and the Department of Health and Senior Services for the implementation of the plan.

SECTION 208.583 - This new section provides that sections 208.575 to 208.583 shall be subject to reauthorization every four years.

This act is similar to the perfected version of SB 1371 (2004).
ANDY LYSKOWSKI

01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S84

EFFECTIVE: August 28, 2005

*** SB 76 ***

0226S.01I

SENATE SPONSOR: Dolan

SB 76 - This act imposes additional surcharges and driver's license suspensions on any person failing to yield the right-of-way when the violation results in physical injury, serious physical injury, or death to a person. In addition to the normal penalties, a person violating this act which results in physical injury will be assessed a surcharge \$200 and may have his or her driver's license suspended for 30 days. If a serious physical injury results, a \$500 surcharge will be imposed and a 90 day license suspension may be imposed. If the violation leads to a fatality, an additional \$1,000 surcharge is assessed and a six month license suspension may be imposed. The additional surcharges are deposited in the motorcycle safety trust fund.

This act is identical to SB 1192 (2004), SB 259 (2003), SB 1077 and HB 1534 (2002).
STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/13/2005	Second Read and Referred S Transportation Committee	S84
01/18/2005	Hearing Scheduled S Transportation Committee	

EFFECTIVE: August 28, 2005

*** SB 77 ***

0232S.01I

SENATE SPONSOR: Dolan

SB 77 - This act proposes to amend the current law regarding transportation development districts by: (1) providing a method to amend the boundaries of a transportation development district after formation, (2) enabling districts to incur indebtedness and pledge district revenues to the repayment of the indebtedness, (3) shortening the period of time required to complete a mail-in election and (4) making "clean-up" revisions throughout the current statutes.

This act adds a provision that all transportation development districts formed after August 28, 2005, may not overlap with another transportation development district using the same funding mechanism. This act also adds "bicycle/pedestrian facilities" to the list of acceptable projects for which a transportation development district may be formed (Section 238.202).

This act inserts a provision that a district may be created to fund, promote, plan, design, construct, or improve a project and then only to subsequently to maintain and operate it (Section 238.205).

This act allows the court to consider that all fo the property in the district will receive a direct transportation-related improvement from the project, not just a general benefit before the court approves it. The act adds a provision that mandates the city and county in which the proposed district will sit will be respondents to the petition filed. The act updates the requirements of the petition process so that a petitioner must recite that either the commission or the local transportation authority has approved the project at the time the petition is filed (Section 238.207).

This act requires the circuit clerk to publish notice of the hearing on the petition at the petitioner's expense. The notice of the hearing shall be published in a newspaper of general circulation in the county at least two weeks before the hearing on the petition. The act allows voters to vote in a single election on both formation and taxation, but only if using a sales tax mechanism, but only if the petition was filed by a governing body. The act removes the ability of the court to forego a hearing if any parties or property owners object to the court proceeding without a hearing (Section 238.210).

The act also shortens the time, from 14 weeks to 8 weeks, within which a mail-in election within a district can be accomplished (Section 238.216). The act decreases the amount of time that a failed transportation development district measure may be resubmitted to the voters from two years to one year (Section 238.215.4). Under this act, if a transportation development district is approved, the petitioners may be reimbursed for costs relating to preliminary engineering design, surveys, traffic studies, legal, and planning (Section 238.217).

The act removes the term "funding" and replaces the term with "imposition of the tax or fee". The act inserts a provision that the proposed project must be, in the opinion of the commission, not intended to be merged into the state highways and transportation system, for the commission to decline or consider the project. The act adds a requirement that the local transportation authority must find that the project is consistent with its transportation plan and by ordinance or resolution has approved it in order for a local-transportation authority project to be approved by the court. The act adds a requirement that if the commission declines to consider the project that it shall notify the local transportation authority of its determination (Section 238.225).

The act provides that a district may use the taxes or other funding methods to fund its operating expenses, including all necessary and incidental expenses related to the issuance of revenue bonds (Section 238.227).

The act adds a requirement that the local transportation authority or the commission, as applicable, has by ordinance or resolution approved of the imposition or increase or increase of the tax (Section 238.235).

The act provides that the sales tax imposed by a district may imposed in increments of 1/8 of one percent, up to a maximum of one percent (Section 238.236).

This act also permits a district to incur indebtedness and pledge the revenues generated from the property or retail sales tax imposed by the district to the repayment of the indebtedness, provided the requirements of Article VI Section 26 of the Missouri Constitution have been met (Section 238.242.7).

This act authorizes transportation development districts to enter into design-build project contracts (Section 238.252).

The act adds a requirement that if the transportation development district desires to add or delete a project that it obtain the consent of the local transportation authority, or commission, as applicable (Section 238.257).

The current law currently does not address the issue of whether a district may amend its boundaries after it has been formed. This act provides that, if a resolution is passed by the board of

directors of a district, a petition may be filed with the circuit court of the county that entered the judgment creating the district to amend the boundaries. The petition may be filed by the board of directors of the district or, if no persons eligible to be registered voters reside within the proposed amended boundaries of the district, the owners of record of all of the real property within the proposed district boundaries. The contents of the petition and the procedure for amending the district boundaries is similar to the procedure used to form a district. The petition shall set forth the description of the proposed boundaries of the amended district and whether the current funding mechanism should be extended to the newly amended area within the district (Section 238.258).

The act adds a requirement that when the state auditor does an audit of a transportation development district that a copy of the audit must be sent to the commission or the local transportation authority, as applicable (Section 238.272 and Section 238.275).

The act also makes a variety of minor revisions in an effort to eliminate ambiguities, inconsistencies and omissions throughout the transportation development district statutes (Sections 238.207 to Sections 238.258).

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/12/2005	Second Read and Referred S Transportation Committee	S75
01/18/2005	Hearing Scheduled S Transportation Committee	

EFFECTIVE: August 28, 2005

*** SB 78 ***

0237S.01I

SENATE SPONSOR: Dolan

SB 78 - This act clarifies that the penalty enhancement provisions in Section 577.023 relating to prior/persistent offenders should be applied consistently whether in municipal, county, and state courts. Specifically, this act clarifies that when an individual is charged under a municipal ordinance the individual is not entitled to suspended imposition of sentence if he/she meets the definition and classification as prior or persistent offender under Section 577.023.1(2) and (3).

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S30
01/12/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S75

EFFECTIVE: August 28, 2005

*** SB 79 ***

0263S.01I

SENATE SPONSOR: Bartle

SB 79 - This act increases the gaming boat admission fees by three dollars. The additional three dollars in fees will be distributed to the schools under the provisions of the foundation formula.

The act has a referendum clause. This act is identical to SB 1058 (2004).

JIM ERTLE

12/01/2004	Prefiled
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01/05/2005	S First Read	S30-31
01/13/2005	Second Read and Referred S Ways & Means Committee	S84

EFFECTIVE: Referendum

***** SB 80 *****

0119S.02I

SENATE SPONSOR: Bartle

SB 80 - This act requires that future TIF projects dedicate at least 10% of the tax increment that would otherwise be used to fund the redevelopment project and at least 10% of all payments in lieu of taxes to any school within the boundary of the TIF area. Where more than one school is located within the TIF area, the 10% portion will be divided pro rata by the land area of the school districts contained within the TIF area.

Because this act amends a double-enacted section, the act also repeals one version of Section 99.845, RSMo.

The act is similar to SB 1056 (2004).

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S84

EFFECTIVE: August 28, 2005

***** SB 81 *****

0118S.01I

SENATE SPONSOR: Bartle

SB 81 - This act removes the line 1(b) formula calculation (which currently determines an entitlement amount for any portion of a levy above the minimum-required levy) and alter the line 1(a) calculation accordingly, so that a district's entitlement would be the product of: multiplying the number of eligible pupils by the district's operating levy for school purposes multiplied by the guaranteed tax base per eligible pupil times the proration factor.

In other words, under the provisions of this act, should the formula be underfunded, all of the districts' entitlements will be calculated utilizing the same proration factor, regardless of the levy a district imposes. The current formula, if underfunded, applies a lower proration factor when calculating the portion of a district's entitlement which is above \$2.75. Therefore, this legislation will lessen the financial impact (for districts with operating levies above \$2.75) should the formula possess a proration factor of less than 1.0.

This act is identical to SB 764 (2004).

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Education Committee	S84

EFFECTIVE: August 28, 2005

***** SB 82 *****

0231S.01I

SENATE SPONSOR: Bray

SB 82 - This act requires applicants for health care benefits under programs such as Medicaid and CHIPs to identify the employer of the proposed beneficiary. If the proposed beneficiary is not employed, the applicant shall identify the employer of the adult who is providing some or all of the proposed beneficiary's support.

By July 1st every year, the Department of Social Services must deliver a report to the General Assembly listing all of the employers identified in this application process. The report shall include the company's name, location and the total number of employees and their dependants who are enrolled in the state's health care programs. This report shall also be available to the public through the Department's website.

This act is identical to SB 1030 (2004).

ANDY LYSKOWSKI

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S84

EFFECTIVE: August 28, 2005

*** SB 83 ***

0444S.031

SENATE SPONSOR: Bray

SB 83 - This act makes numerous changes to the laws regarding medical malpractice liability.

TAX CREDIT FOR MEDICAL MALPRACTICE PREMIUMS FOR HEALTH CARE PROVIDERS - This act creates a tax credit for health care providers to offset medical malpractice insurance premiums. The tax credit is in an amount of up to 15% of an annual increase in the provider's medical malpractice insurance premium. The tax credit is capped at \$15 million (Section 135.163).

FAILURE TO REPORT CLAIM INFORMATION - This act provides that insurers and self-insured health care providers failing to timely report claim information pursuant to Sections 383.100 - 383.125 will be subject to Section 374.215 penalties and fines section 383.112).

COMPETITIVE BIDDING PROCESS - This act allows the Director of the Department of Insurance to establish a competitive bidding process with respect to the Missouri Joint Underwriting Association after the director determines that medical malpractice insurance is not reasonably available in the voluntary market (Sections 383.150 and 383.151).

INSURANCE OVERSIGHT AND RATE REDUCTION PROGRAM - This act establishes new standards and procedures for making and using rates for medical malpractice insurance. First, the act exempts medical malpractice insurance from the rate regulations that apply to other forms of property and casualty insurance (Section 379.316). The act provides that such rates shall not be excessive, inadequate or unfairly discriminatory (section 383,151). Any insurer that desires to increase a rate by less than 15% shall file the rate, along with supporting data, no later than 30 days after such rate becomes effective. These filings shall not be subject to approval or disapproval by the Director of the Department of Insurance (Section 383.200).

Any insurer desiring to increase a rate 15% or higher shall submit a complete rate application to

the director. The applicant has the burden of proving that the requested rate increase is justified.

The act provides that every insurer that has filed a rate increase not requiring approval by the Director for two consecutive years and in the 3rd desires a rate increase in which the aggregate over the three-year period will exceed a total 40% rate increase will have to prove that the rate is justified.

Every insurer that has not filed or had a rate increase approved for three consecutive years may file a rate increase in the 4th year in an amount not to exceed 25% without being required to justify the rate increase.

The Director has authority to promulgate rules which will set forth standards that insurers will use to calculate their rates. The rules shall establish a range within which an expected rate or return shall be presumed reasonable, establish categories of expenses that shall be presumed reasonable, establish proper weights to be given to different years of experience and any other standard deemed reasonable and appropriate by the Director.

The Director shall require insurers to submit in their application for a rate change the following:

- (1) A comparison between the insurer's projected incurred losses and its ultimate incurred losses for the eight most recent policy years for which data is available and
- (2) A memorandum explaining its methodology the insurer used to reflect the total investment income it reasonably expects to earn on all its assets during the period the proposed rate is to be in effect.

The Director shall notify the public of any application for a rate increase of 15% or more, and shall hold a hearing on the application within 45 days. The application shall be deemed approved 90 days after such hearing unless disapproved by the Director after the hearing.

This act gives the Director the authority to order an insurer to discontinue using an excessive rate and that the insurer refund the excessive portion of the rate to any policyholder who has paid such rate. The Director shall not be required to find that a reasonable degree of competition does not exist to find a rate excessive.

The Director may consider out-of-state experiences if their insufficient experience in this state. In some circumstances, the director may consider nationwide experience (Section 383.200.3).

COMPRESSION OF RATES AMONG DIFFERENT MEDICAL SPECIALTIES - This act provides that the ratio between the base rate of the highest-rated specialty and the base rate of the lowest-rated specialty shall be no more than a ratio of six-to-one (Section 383.205).

EXPERIENCE RATING - This act requires medical malpractice insurers to apply a credit or debit on the provider's loss experience. The insurer shall include a schedule of all such credits and debits, or a description of such alternative method in all filings it makes with the director of insurance (Section 383.210).

DATA DISCLOSURE - This act requires each malpractice insurer, on or before March 1st of every year to file certain information with the department of insurance. The information shall consist of

or relate to, but not be limited to: closed claims; judgments, payment, and severity of injury in connection with judgments; rate changes during the previous five-year period; premiums and losses by medical specialty; premiums and losses by experience of insured; and investment performance of the insurer (Section 383.215).

MEDICAL MALPRACTICE INSURANCE QUOTATION SERVICE - This act requires the department by July 1, 2006, to develop and establish an interactive Internet web site enabling health care providers to obtain medical malpractice insurance quotes. Insurers' rate changes must be integrated into the website within 10 days. The site must provide contact information for each of the insurers participating. By December 1, 2006, the director of the department must submit a report to the General Assembly on the development, implementation, and effectiveness of the website (Section 383.220).

FILING OF MANUALS AND CLASSIFICATIONS - This act requires insurers to file new manuals of classifications, rules, underwriting rules, rates, rate plans and modifications, policy forms and other forms to which such rates are applied, that reflect the savings, if any, attributable to each provision in the act (Section 383.225).

NOTICE OF RENEWAL PREMIUM RATE INCREASE - This act requires insurers to provide at least 90 days written notice to insureds of renewal premium rate increases (Section 383.230).

MEDIATION - This act requires parties in tort actions based on improper health care to make a good faith effort to engage in mediation with a trained mediator and to submit a report of the results to the court (Section 537.072).

NONECONOMIC DAMAGES CAP - This act deletes the "per occurrence" language in reference to caps on noneconomic damages in order to overrule an Eastern District Court of Appeals decision (Scott)(section 538.210).

CHALLENGING VENUE - This act establishes a procedure for health care provider defendants to contest venue, stays most discovery during the pendency of the venue contest, and awards costs, expenses, and reasonable attorney fees to the prevailing party (Section 538.211).

EXPERT WITNESS - This act requires that health care providers executing the expert affidavit to have education, training, and experience in a like area as the defendant health care provider or a logical extension of the field and to be actively engaged in the practice of medicine or retired within five years of the date of the affidavit. The affidavit is subject to an in-camera review by the court upon motion of a party (Section 538.225).

BENEVOLENT GESTURES - This act prohibits statements, writings, or benevolent gestures expressing sympathy from being admissible as evidence of an admission of liability in a civil action. Statements of fault will be admissible (Section 538.226).

This act contains an emergency clause. This act contains provisions similar to those contained in HB 1428 (2004).

STEPHEN WITTE

12/01/2004 Prefiled
01/05/2005 S First Read

S31

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal S85
Jurisprudence Committee

EFFECTIVE: Emergency Clause

*** SB 84 ***

0426S.01I

SENATE SPONSOR: Bray

SB 84 - This act modifies the information that must be provided to the secretary of state when a group wishes to form a new political party. The act repeals the requirement that the petition to form the new party must contain, if presidential electors are to be nominated by petition, the name of at least one qualified resident in each congressional district to be a nominee for presidential elector. The act also repeals the requirement that the petition must contain the names and addresses of the chairman and treasurer of the new party.

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	S85

EFFECTIVE: August 28, 2005

*** SB 85 ***

0422S.01I

SENATE SPONSOR: Crowell

SB 85 - Under current law, excursion gambling boat proceeds deposited in the Gaming Proceeds for Education Fund (beyond the amount transferred to the School District Bond Fund) are directed to the State School Moneys Fund to be distributed through the foundation formula.

Under this act, beginning in Fiscal Year 2007 and upon condition of full funding of the foundation formula, 20% of the moneys from the Gaming Proceeds for Education Fund will be redirected into the Classroom Trust Fund, created by this act. Each subsequent year for four years, an additional 20% of those moneys will be directed to the Classroom Trust Fund until 100% of the gaming moneys go to that fund.

The act requires the chairs of the Senate Appropriations Committee and the House Budget Committee to determine whether sufficient moneys have been appropriated to achieve a proration factor of 1.0 in the equity portion of the formula. The act states that the gambling moneys must be replaced in the State School Moneys Fund by general revenue. The funds will be distributed on a per-pupil basis and may be used for teacher recruitment and retention, construction and repair of buildings, technology enhancements or instructional materials, school safety, and supplying additional funds for any required state or federal program.

This act similar to the perfected HB 288 (2003).

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Education Committee	S85

EFFECTIVE: Contingent

*** SB 86 ***

0421S.01I

SENATE SPONSOR: Crowell

SB 86 - This act changes the deadline for filing exceptions to 30 days from the date of notice of the condemnation commissioners' report. Currently, the deadline is 10 days from the date of notice.

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S85

EFFECTIVE: August 28, 2005

*** SB 87 ***

0289S.01I

SENATE SPONSOR: Klindt

SB 87 - This act asserts that the A+ reimbursements shall not be issued to any four-year institutions of higher education, regardless of whether such reimbursements are made indirectly by means of a public community college or vocational or technical school. Further, the act specifies that in order for any public community college or vocational or technical school to receive reimbursements from the A+ schools program, the qualifying student must exclusively attend a public community college or vocational or technical school.

This act is identical to SB 858 (2004).

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Education Committee	S85

EFFECTIVE: August 28, 2005

*** SB 88 ***

0288S.01I

SENATE SPONSOR: Klindt

SB 88 - This act exempts certain food sales from food inspection laws.

Religious, charitable, and nonprofit organizations that sell foods, which are not potentially dangerous, at their events are exempt from state food inspection laws.

Sellers of jams, jellies, and honey are exempt from specified production requirements as long as they do not annually sell more than \$30,000 of jams, jellies, and honey per domicile. Sellers of jams, jellies, and honey are also exempt from all other health standards pursuant to Sections 196.190 to 196.271, RSMo, as long as the following requirements are met:

-The jams, jellies, and honey must be manufactured in the domicile of the person processing and selling them;

-The jams, jellies, and honey must be labeled in legible English with certain information;

-A placard must be displayed in a prominent location stating "This product has not been inspected by the Department; and

-A record of jams, jellies, and honey processed and sold must be maintained.

Anyone who violates these provisions may be enjoined from selling jams, jellies, and honey by the Department.

This act is identical to SCS/SB 857 (2004).

ANDY LYSKOWSKI

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S85

EFFECTIVE: August 28, 2005

*** SB 89 ***

0245L.01I

SENATE SPONSOR: Dougherty

SB 89 - This act allows eligible foster children to receive a waiver of tuition and fees at state-funded colleges or universities. Eligible students shall: be Missouri residents; have graduated from high school or received a GED within the last three years; have been accepted for admission at a state-funded college or university; have applied for other student financial assistance; have been in foster care under the Department of Social Services on or after one of the dates specified in the act; complete community service or public internship as required under the act; and apply to the Coordinating Board for Higher Education for the waiver.

The waiver shall be annually renewable for up to a total of four years if the student remains in good academic standing. The waiver shall only be used after other sources of aid are used. No student enrolled when the act becomes effective shall be eligible for a waiver under this act. The program shall begin with incoming freshmen in the 2006 fall semester.

This act is similar to SB 816 (2004).

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Ways & Means Committee	S85

EFFECTIVE: August 28, 2005

*** SB 90 ***

0332S.01I

SENATE SPONSOR: Dougherty

SB 90 - This act authorizes an advanced practice nurse to prescribe schedule III, IV, and V controlled substances if such nurse has been delegated the authority under a collaborative practice agreement.

This act is identical to SB 1255 (2004).

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S85

EFFECTIVE: August 28, 2005

*** SB 91 ***

0329S.01I

SENATE SPONSOR: Dougherty

SB 91 - Currently, only public community colleges and public vocational or technical schools are statutorily authorized to receive A+ reimbursements. This act additionally allows any private vocational, technical school or certain proprietary schools that are accredited by a nationally recognized accreditation organization to receive A+ reimbursements, provided that:

-Such reimbursements do not violate certain constitutional provisions;

-The private vocational or technical school does not receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of that community college; and

-A community college in the county or the county adjacent does not offer the same or substantially similar program.

This act is similar to the SCS/SB 975 (2004).

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read

S31

01/13/2005 Second Read and Referred S Education Committee

S85

EFFECTIVE: August 28, 2005

*** SB 92 ***

0307S.01I

SENATE SPONSOR: Cauthorn

SB 92 - This act creates the NRA special license plate. Any member of the NRA desiring such a plate shall pay a \$25 emblem-use contribution to the NRA and pay the Department of Revenue a \$15 fee in addition to regular registration fees. The emblem-use contributions shall be used by the NRA for the Eddie Eagle Gun Safe Program, youth programs, and education and training in the state of Missouri.

This act is identical to SB 861 (2004).

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read

S31

01/13/2005 Second Read and Referred S Transportation Committee

S85

EFFECTIVE: August 28, 2005

*** SB 93 ***

0311S.01I

SENATE SPONSOR: Cauthorn

SB 93 - This act creates the crime of endangering a corrections employee if an offender or prisoner causes such an employee to come into contact with bodily fluids. This offense is a Class D felony.

This act makes it a Class B felony if a person endangers a corrections employee by knowingly putting the employee in danger of contracting HIV, Hepatitis B or Hepatitis C.

If a person causes an employee to come in contact with an unidentified substance, it is a Class A

misdemeanor.

This act also removes inmates and correctional facilities from Section 565.092.

This act is similar to SB 986 (2004).

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	S85

EFFECTIVE: August 28, 2005

*** SB 94 ***

0308S.01I

SENATE SPONSOR: Cauthorn

SB 94 - This act creates the "Respect Life" license plate. Any person may acquire such a plate after making a contribution (\$25 annual/ \$50 biennial) to the Missouri Alternatives to Abortion Fund which is created by the act. The contribution shall be made directly to the Department of Revenue. The Director of the Department of Revenue is directed to issue samples of the Respect Life license plates so that the plates are displayed in various registration offices. Moneys in the Missouri Alternatives to Abortion Fund shall be used to promote alternatives to abortion services by grants to private agencies.

This act is identical to SB 862 (2004).

JASON ZAMKUS

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Transportation Committee	S85

EFFECTIVE: August 28, 2005

*** SB 95 ***

0223S.01I

SENATE SPONSOR: Coleman

SB 95 - This act modifies various provisions relating to lead poisoning.

New language allows the Director of the Department of Health and Senior Services to levy fines pursuant to Sections 701.300 to 701.348. All fines shall be deposited into the Public Health Services Fund. Owners of single family homes in areas of commercial lead production shall not be fined or required to pay for any type of lead remediation (Section 701.304).

The Department of Health and Senior Services shall provide on its Internet website educational materials that explain the rights and responsibilities of the property owners, tenants, lead inspectors, risk assessors, and lead abatement contractors (Section 701.305).

Any lead abatement contractor that fails to notify the Department prior to starting a lead abatement project will be fined one thousand dollars for the first identified offense, two thousand dollars for the second identified offense, and thereafter fines will be doubled for each identified offense. Written notification shall include disclosure of any potential lead hazards to the owners and tenants of a dwelling by the licensed risk assessor, who conducted the initial risk assessment.

Once the abatement has been completed, the lead abatement contractor must submit written notification and the final clearance inspection report to the Department (Section 701.309).

The Director shall require lead abatement contractors to purchase and maintain liability insurance. Licensees or applicants for licensure must provide evidence of their ability to indemnify any person that may suffer damage from lead-based paint activities to which they may be liable. The licensee or applicant for licensure may provide proof of liability insurance in an amount to be determined by the Department, which shall not be less than \$300,000 dollars (Section 701.312).

Local community organizations, government agencies, and quasi-government agencies that issue grants or loans for lead abatement projects must provide written notification to the Department no later than ten days prior to the onset of a project. The failure to provide written notification will result in a fine of \$250 dollars to be levied by the Department. In emergency situations, the community organization, government agency, or quasi-government agency must notify the Department within twenty-four hours of the onset of a lead abatement project and provide written notification to the Department within five days (Section 701.313).

Current law specifies that any violation of sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a Class A misdemeanor. New language states that any subsequent violation of these sections will be a Class D felony (Section 701.320).

This act is identical to SCS/SB 751 (2004).

ANDY LYSKOWSKI

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S85
01/19/2005	Hearing Scheduled S Aging, Families, Mental & Public Health Committee	

EFFECTIVE: August 28, 2005

*** SB 96 ***

0197S.01I

SENATE SPONSOR: Coleman

SB 96 - This act expands the crime of first degree property damage to include knowingly damaging a motor vehicle while breaking into the vehicle for the purpose of stealing therein, or damaging the vehicle during the act of stealing. Such actions constitute a Class C felony unless it is the second or subsequent such offense, in which case it is a Class B felony.

This act is identical to SB 752 (2004).

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S85

EFFECTIVE: August 28, 2005

*** SB 97 ***

0379S.01I

SENATE SPONSOR: Coleman

SB 97 - This act alters the name of Harris-Stowe State College to Harris-Stowe State University.

This act is identical to SB 1110 (2004).

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S31
01/12/2005	Second Read and Referred S Education Committee	S75
01/18/2005	Hearing Scheduled S Education Committee	

EFFECTIVE: August 28, 2005

*** SB 98 ***

0039S.051

SENATE SPONSOR: Champion

SB 98 - This act generates several alterations to the state's higher education policy. Most notably, the act would rename Southwest Missouri State University, Missouri Western State College, Harris-Stowe State College, and Missouri Southern State University-Joplin.

SECTION 174.020 - This section renames Missouri Western State College as Missouri Western State University; Southwest Missouri State University as Missouri State University; Harris-Stowe State College as Harris-Stowe State University; and Missouri Southern State University - Joplin as Missouri Southern State University.

SECTION 174.241 - This section eliminates the board of regents of Missouri Western State College.

SECTION 174.250 - This section expands Missouri Western State University's district boundary to Buchanan County and counties contiguous to Buchanan County.

SECTION 174.251 - This section designates Missouri Western State University as a statewide institution of applied learning.

SECTION 174.324 - This section reemphasizes that any new masters degree program offered at Missouri Western State University or any other public institution of higher education in this state must be approved by the coordinating board for higher education.

SECTION 174.450 - This section adds Missouri Western State University to the list of institutions that are charged with a statewide mission and governed by a board of governors. The section also changes the composition of the governing board of the renamed Missouri State University from eight members to ten.

SECTION 174.453 - This section formulates new qualifications for the Board of Governors of Missouri Western State University.

Five voting members shall be selected from the following counties: Buchanan, Platte, Clinton, Andrew, and DeKalb provided that no more than three of these five members shall be appointed from any one county. Two voting members shall be selected from any of the counties in the state

which are outside of the aforementioned counties.

Further, the section grandfathers current board members in regard to the county residency requirement.

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S31-32
01/12/2005	Second Read and Referred S Education Committee	S75
01/18/2005	Hearing Scheduled S Education Committee	

EFFECTIVE: August 28, 2005

*** SB 99 ***

0378S.01I

SENATE SPONSOR: Champion

SB 99 - This act modifies the law concerning the Joint Committee on Economic Development Policy and Planning. The act makes the chair and vice chair rotate between the House and the Senate on a biennial basis. Currently the rotation is annual. The act also specifies that the chair and vice chair are appointed by the leadership of the respective houses.

The act is identical to SB 1344 (perfected 2004).

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/13/2005	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S85

EFFECTIVE: August 28, 2005

*** SB 100 ***

0109S.01I

SENATE SPONSOR: Champion

SB 100 - This act modifies provisions relating to the licensing of speech-language pathologist and audiologists. Currently, educational degrees must be from an institution accredited or approved by the Council on Academic Accreditation of the American Speech-Language-Hearing Association. The act authorizes the board of healing arts to accept educational degrees from institutions approved by other board-approved accrediting agencies.

The act also exempts persons with audiology clinical doctoral degrees from current clinical fellowship requirements which are needed in order to become licensed.

Finally, the president of the Missouri Academy of Audiology is responsible for submitting names to the boarding of healing arts when a vacancy occurs on a commission for one of the licensed audiologist positions.

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/13/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	S85

EFFECTIVE: August 28, 2005

***** SB 101 *****

0205S.01I

SENATE SPONSOR: Dolan

SB 101 - This act establishes an annual indexing adjustment for the motor fuel tax beginning in 2005. On or about February 15th of each year, the Director of the Department of Revenue shall calculate the adjusted rate by multiplying the current motor fuel tax rate by an inflation index. Under the terms of the act, the inflation index is the Consumer Price Index (CPI) for the calendar year ending on December 31st immediately preceding the calculation date divided by the CPI for the prior calendar year. The adjusted rate must be rounded to the nearest one-tenth of a cent. The adjusted rate shall become effective on July 1st following the calculation.

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S101
01/12/2005	Second Read and Referred S Transportation Committee	S75

EFFECTIVE: August 28, 2005

***** SB 102 *****

0122S.01I

SENATE SPONSOR: Bartle

SB 102 - This act states that school districts located at least partially in Jackson County shall be reimbursed fully by the Department of Elementary and Secondary Education for the costs associated with offering special educational services to any children that are in the protective custody of the department of social services.

The act cites Article X, Section 21 of the Missouri Constitution, which is the Hancock amendment's unfunded mandate provision.

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/13/2005	Second Read and Referred S Education Committee	S85

EFFECTIVE: August 28, 2005

***** SB 103 *****

0117S.01I

SENATE SPONSOR: Bartle

SB 103 - Current law requires district boards to convene a hearing in order to determine whether a pupil shall be granted a waiver of certain registration requirements. This act would allow districts to convene a committee of their board in order to rule on such residency waiver requests.

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/13/2005	Second Read and Referred S Education Committee	S85

EFFECTIVE: August 28, 2005

***** SB 104 *****

0044S.01I

SENATE SPONSOR: Bartle

SB 104 - This act allows for the termination of parental rights for the domestic murder of a

spouse. Current language in Section 211.447, RSMo, does not list the domestic murder of a child's parent by the other parent as a ground for terminating parental rights. New language provides that the murder, voluntary manslaughter or the attempt to commit such crimes, or the felony assault of the parent by the child's other parent shall be grounds for termination of parental rights.

ANDY LYSKOWSKI

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/12/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S75
01/18/2005	Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE: August 28, 2005

*** SB 105 ***

0336S.01I

SENATE SPONSOR: Bray

SB 105 - This act allows culinary students who are eighteen years of age or older to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum.

The act explicitly disallows a student under the age of twenty-one to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/13/2005	Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee	S85

EFFECTIVE: August 28, 2005

*** SB 106 ***

0430S.01I

SENATE SPONSOR: Bray

SB 106 - This act makes several changes with respect to residential property insurance. This act is substantially similar to SB 773 (2004).

RESIDENTIAL INSURANCE - Under this act, an insurer may cancel a homeowner's policy if physical changes in the property insured have significantly increased the hazards originally insured. Under the current law, an insurer may cancel the policy if physical changes have increased the hazards originally insured (Section 375.002).

Under this act, the insurer must give the insured 60 days notice prior to cancelling the insured's policy (current law is 30 days). The insurer must also give the insured 60 days of its intention not to renew a policy (Sections 375.003 and 375.004).

Under this act, homeowner insurance companies shall not consider as a claim any inquiry made by the insured as to whether the policy covers a certain loss or whether the policy provides a certain type or level of coverage (Section 375.001). Homeowner insurance companies are prohibited from

refusing to renew a policy on the basis of a weather-related claim (Section 375.004). Further, insurers are prohibited from using a rating plan or a rating system which surcharges the insured's dwelling fire or homeowners insurance premium based upon the insured's weather-related claims or upon inquiries into whether the policy covers certain losses.

FAIR PLAN - Under this act, the name of the Missouri Basic Property Insurance Inspection and Placement Program is changed to the Fair Access to Insurance Requirements (FAIR) plan. FAIR plans were created in the late 1960s to make property insurance more readily available to people who can't obtain it from private insurers because their property is considered "high risk". The plans are operated by the insurance industry and make insurance available to property owners meeting certain requirements. Under the act, the FAIR plan is to offer dwelling fire, commercial fire and homeowners coverage for property owners, renters, and condominium owners. These coverages shall be similar to what is available in the standard market and provide protection against loss from various hazards.

The act increases the amount of property insurance coverage a person can obtain through the program on residential property from \$200,000 to \$300,000 and on commercial property from \$1,000,000 to \$3,000,000.

Under this act, the length of time in which the facility must approve or decline whether the FAIR plan will insure a potential insured is decreased from five days to three days after the inspection report and application are received.

All property insurance plans and underwriting guidelines used in the FAIR plan must be submitted to the director for approval at least 60 days prior to their use.

A FAIR plan insurance policy shall not be cancelled or nonrenewed unless the insured receives 60 days notice (up from 30 days)(Section 379.845).

The governing committee of the FAIR plan is increase by two members (for a total of 15 members). The two new members shall be consumer representatives. Under this act, the date of the annual meeting of the insurers and the governing committee must also be approved by the director.

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/13/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S85

EFFECTIVE: August 28, 2005

*** SB 107 ***

0433S.01I

SENATE SPONSOR: Bray

SB 107 - This act requires the Missouri Office of Administration to contract only with telemarketing or telephone center services with vendors who operate within the United States. The act also prohibits telemarketers from supplying identifying information to telemarketers in foreign countries.

HENRY T. HERSCHEL

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/13/2005	Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee	S85

EFFECTIVE: August 28, 2005

***** SB 108 *****

0407S.01I

SENATE SPONSOR: Dougherty

SB 108 - This act modifies the law allowing all counties and St. Louis City to levy sale and property taxes for community services for children by clarifying that the sole purpose of the tax is to provide services to protect the well-being and safety of children and youth and to strengthen families.

This act is identical to SB 1335 (2004).

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/13/2005	Second Read and Referred S Ways & Means Committee	S85

EFFECTIVE: August 28, 2005

***** SB 109 *****

0331S.01I

SENATE SPONSOR: Dougherty

SB 109 - Current law states that a permanent teacher must be employed as a teacher in the same school district for five successive years. Under the provisions of this act, a teacher would fit the definition of "permanent teacher" after five total years of service, regardless of district, except that the first year of employment in a district would be probationary. Further, the act states that, should a permanent teacher discontinue teaching for more than five years, that teacher, upon returning to the profession, would be considered a probationary teacher for one year, and after such year would then be granted permanent status.

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/13/2005	Second Read and Referred S Education Committee	S85

EFFECTIVE: August 28, 2005

***** SB 110 *****

0249L.01I

SENATE SPONSOR: Dougherty

SB 110 - This act requires health insurance benefit plans to reimburse a licensed professional counselor with a Ph.D. in counseling at the same rate as a licensed psychologist.

This act is identical to SB 1011 (2004).

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S32

01/13/2005 Second Read and Referred S Small Business, Insurance & S85
Industrial Relations Committee

EFFECTIVE: August 28, 2005

*** SB 111 ***

0298S.01I

SENATE SPONSOR: Cauthorn

SB 111 - This act modifies state law by broadening what is considered disqualifying misconduct. It would preclude an individual from receiving unemployment benefits when the misconduct in question occurs outside of work, but affects an employees ability or fitness to discharge the duties of their employment. The act further provides that employees who are a member of a religious organization which have tenants or teachings opposed to the acceptance of insurance benefits, an opportunity to prospectively reject the provisions of Chapter 287, RSMo.

This act is a combination of Senate Bills 742 & 743 (2004).

JASON ZAMKUS

12/01/2004 Prefiled
01/05/2005 S First Read S32
01/13/2005 Second Read and Referred S Small Business, Insurance & S85
Industrial Relations Committee

EFFECTIVE: August 28, 2005

*** SB 112 ***

0388S.01I

SENATE SPONSOR: Coleman

SB 112 - This act formulates a procedure for recalling school board members. Upon a petition signed by at least 25% of the number voting in the last school board election, a recall election will be held. The act specifies the requirements for the filing, format, and verification of the petition.

If a majority votes to retain the recalled member, the member remains in office and cannot be subject to another recall during his or her term. If the member is recalled, a successor will be chosen in the same manner as vacancies are filled for any 7-member district.

This act is similar to SB 922 (2004).

DONALD THALHUBER

12/01/2004 Prefiled
01/05/2005 S First Read S32
01/12/2005 Second Read and Referred S Education Committee S75

EFFECTIVE: August 28, 2005

*** SB 113 ***

0375S.01I

SENATE SPONSOR: Coleman

SB 113 - This act extends powers to civilian review boards that investigate allegations of misconduct by local law enforcement officers. The powers granted in this act include: subpoena powers, administer oaths, require production of papers, records and documents, and the examination of witnesses.

The act provides that civilian review boards will also have the power to conduct evidentiary hearings and investigate allegations of racial profiling. Further, the act requires all local law

enforcement agencies and their employees to cooperate with civilian review boards in their jurisdiction.

This act is similar to SB 982 (2004).

SUSAN HENDERSON

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S85

EFFECTIVE: August 28, 2005

*** SB 114 ***

0035S.01I

SENATE SPONSOR: Champion

SB 114 - The act alters the composition of the governing board of Southwest Missouri State University from eight members to ten.

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/12/2005	Second Read and Referred S Education Committee	S75

EFFECTIVE: August 28, 2005

*** SB 115 ***

0049S.01I

SENATE SPONSOR: Bartle

SB 115 - Current law requires superintendents to convene hearings in order to determine whether certain students may be enrolled in the district. The hearings must occur within five working days of the request to register. This act changes the aforementioned provision so that districts must convene such hearings within fifteen working days of the request to register.

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S32
01/13/2005	Second Read and Referred S Education Committee	S85

EFFECTIVE: August 28, 2005

*** SB 116 ***

0262S.01I

SENATE SPONSOR: Bartle

SB 116 - Under current law, excursion gambling boat proceeds deposited in the Gaming Proceeds for Education Fund (beyond the amount transferred to the School District Bond Fund) are directed to the State School Moneys Fund to be distributed through the foundation formula.

Under this act, beginning in fiscal year 2007, any increase in the funds transferred (during fiscal year 2006) from the Gaming Proceeds for Education Fund shall be transferred, on a monthly basis, to the Classroom Trust Fund.

The Classroom Trust Fund will finance school construction, teacher recruitment and professional development, technology enhancements, and school safety. The moneys in the Classroom Trust Fund will be distributed to each district on a per-eligible-pupil basis and are

exempt from certificated salary compliance. The Classroom Trust Fund will also receive all unclaimed lottery prize money.

This act identical to SB 1057 (2004).

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S32-33
01/13/2005	Second Read and Referred S Education Committee	S85

EFFECTIVE: August 28, 2005

*** SB 118 ***

0443S.01I

SENATE SPONSOR: Bray

SB 118 - Current law permits local school boards to dismiss tenured teachers for certain causes after following certain administrative procedures. This act would allow teachers to request an administrative hearing at which a hearing officer would decide whether or not the teacher will be dismissed.

The act requires school boards or superintendents to notify teachers at least 120 days before formal notice is served, instead of the current 30 days notice requirement. Under the provisions of this act, should a school board suspend a teacher until a decision is rendered, that teacher is entitled to receive salary and benefits during the suspension. Currently, teachers are only guaranteed salary. Presently, either the teacher or the local school board may request a hearing. This act permits only the teacher to request a hearing.

This act formulates a procedure for the selection of a hearing officer and directs the state board to promulgate rules for the hearings. The act specifies that the hearing will be open to the public unless the teacher requests that the hearing be closed.

Within 30 days after the hearing, the hearing officer must render a decision, which shall be final unless appealed.

This act is identical to SB 872 (2004).

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Education Committee	S85

EFFECTIVE: August 28, 2005

*** SB 119 ***

0436S.01I

SENATE SPONSOR: Bray

SB 119 - This act removes references to male and female employees and prohibits paying any employee wages less than those paid to employees of the opposite gender for the same work. The act also:

- Redefines "wages" to include bonuses, stock options, and any compensation that has economic value to an employee;

- Creates a civil cause of action against employers who pay lower wages to employees of the opposite gender when the work performed is equal, requires equal skill, and is performed under similar conditions;
- Exempts certain wage payment differentials from civil action when they are based on merit systems, regional economic factors, factors that measure pay due to output, or other bona fide factors other than gender. Varying local market rates for equal jobs do not qualify for this exemption;
- Prohibits employers from reducing wages to comply with this act;
- Prohibits employers from retaliating against employees who utilize the protections of this act and creates a civil action for actual and compensatory damages for such retaliation;
- Creates a civil action against employers for actual damages and compensatory damages, not to exceed twice the wages awarded, for any unlawful gender-based pay practice;
- Authorizes an injunction against employers for violation of the provisions of the act;
- Allows for the recovery of attorney fees and court costs in any civil action brought due to the act; and
- Abolishes the six-month statute of limitations for filing an action.

This act is identical to SB 873 (2004).

JASON ZAMKUS

12/01/2004	Prefiled	
01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee	S85

EFFECTIVE: August 28, 2005

*** SB 120 ***

0441S.011

SENATE SPONSOR: Bray

SB 120 - This act revises provisions concerning public employees and appointed officials and establishes the Public Employee Due Process Act. The act:

- Prohibits employees from appealing a dismissal or demotion under the act if an employee has a right to appeal the dismissal or demotion under the State Personnel Law (Merit System) or if the employee is in a policy making position without a right to appeal;
 - Establishes the Public Employee Due Process Act;
- Requires public bodies to serve written notice (in person or by certified mail) to employees they intend to terminate, discipline, or demote. The notice must contain the grounds for the intended action;
- Requires the notice to contain a provision allowing the matter to be heard by a hearing officer;
 - Requires a public body to provide an employee a remediation plan of at least four months duration before proceeding with a plan to terminate, discipline, or demote the employee;
 - Contains provisions concerning the hearing process by the State Board of Mediation, including

the selection of a hearing officer, disclosure of witnesses, employee representation by legal counsel and other counsel, and recording the hearing;

Allows the hearing to be open to the public unless a closed hearing is requested by the employee;

- Specifies the duties of the hearing officer;

Requires the board to develop regulations concerning discovery by the parties and regulations concerning the hearing process;

Contains provisions concerning the disposition of the hearing, including a review of the hearing officer's decision under Sections 536.100 to 536.140, RSMo;

- Prohibits appointed officials who are removed by the Governor from appealing their removal under the act;

Allows permanent teachers to be notified of their right to a hearing by the board of education or the State Board of Mediation and their right to request a hearing by the board of education or the State Board of Mediation if their contract is considered for termination; and

- Specifies the hearing process for permanent teachers who are contesting the termination of their contract. Permanent teachers can elect to appeal the decision to terminate their contract through the Board of Education or the State Board of Mediation.

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read

S33

01/13/2005 Second Read and Referred S Governmental Accountability
 & Fiscal Oversight Committee

S85

EFFECTIVE: August 28, 2005

*** SB 121 ***

0431S.01I

SENATE SPONSOR: Bray

SB 121 - This act regards the safe staffing and quality care in Veterans homes and mental health facilities operated by the Division of Comprehensive Psychiatric Services and the Division of Mental Retardation and Developmental Disabilities within the Department of Mental Health.

This act requires that all veterans homes and Mental Health facilities adopt minimum staffing ratios, as specified within the act, and employ sufficient and necessary direct care staff, over and above the minimum safety ratios currently specified in statute.

Some of the many other provisions of the act are:

- Certain care staff shall not be assigned any additional duties;
- If a client residing in a veterans home or mental health facility is hospitalized in a general acute care hospital, the direct care staff from the mental health facility or the Veterans home shall not be transferred to such hospitals;
- Veterans home management and mental health facility management shall be responsible for any harm to clients resulting from insufficient staffing;
- Mandatory overtime shall not be used as a substitute for sufficient staffing; and
- Each veterans home and mental health facility shall document and submit certain information to the Missouri veterans Commission or the Department of Mental health on a monthly basis.

The act sets out provisions regarding mandatory and voluntary overtime.

Certain forms, subject to public inspection upon request, shall be used by direct care staff, clients, their representatives and guardians, and representatives of direct care workers to document

noncompliance with the law. In the case of veterans homes, the Executive Director of the Missouri veterans commission, and in the case of mental health facilities, the Director of the Department of health, shall investigate all complaints and the act establishes a means for the remedy of those violations. The act also contains protections for whistle blowers. Any person who sustains personal injuries arising from violations shall have a cause of action for damages.

This act is identical to SB 1292 (2004).

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee	S85

EFFECTIVE: August 28, 2005

*** SB 122 ***

0177S.02I

SENATE SPONSOR: Nodler

SB 122 - This act creates the Energy Efficiency Implementation Act.

The Office of Administration is required to identify and deposit no more than two and a half percent of the total cost savings realized under current energy efficiency measures. The Office of Administration will be required to compile a report at least annually which outlines the cost savings identified by the Office of Administration. Subject to appropriation, the Office of Administration may expend the cost savings to offset all reasonable costs associated with the implementation of current energy efficiency measures.

JIM ERTLE

12/08/2004	Prefiled	
01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee	S85

EFFECTIVE: August 28, 2005

*** SB 123 ***

0582S.01I

SENATE SPONSOR: Bartle

SB 123 - This act permits a corporation to have some or all classes or series of its stock uncertificated. It also extends the appraisal remedy available for corporate mergers and acquisitions to situations where a corporation sells all or substantially all of its corporate assets. The act also modifies language regarding the filing of amendments or restatements of a corporations articles of incorporation with the secretary of state.

JASON ZAMKUS

12/13/2004	Prefiled	
01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S85

EFFECTIVE: August 28, 2005

*** SB 124 ***

0586S.01I

SENATE SPONSOR: Nodler

SB 124 - As a part of a general rate proceeding in which the Public Service Commission considers all relevant factors that may affect the costs or overall rates, the Commission may authorize an electrical corporation to recover all or a portion of its costs for delivering fuel, including transportation costs, to its generating stations. The Commission also may authorize an electrical corporation to recover all or a portion of its costs to purchase electrical energy for its retail customers pursuant to an interim energy change and other specific changes.

HENRY HERSCHEL

12/13/2004	Prefiled	
01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Commerce, Energy and the Environment Committee	S85

EFFECTIVE: August 28, 2005

*** SB 125 ***

0549L.01I

SENATE SPONSOR: Taylor

SB 125 - This act exempts motor fuel for school buses from the state motor fuel tax. The act includes language to permit the department of revenue to promulgate rules to implement the provisions of the act.

JEFF CRAVER

12/13/2004	Prefiled	
01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Ways & Means Committee	S85

EFFECTIVE: August 28, 2005

*** SB 126 ***

0560S.01I

SENATE SPONSOR: Dolan

SB 126 - This act extends the sunset date for the licensure of health care facilities to August 28, 2008.

LORIE TOWE

12/14/2004	Prefiled	
12/17/2004	Bill Withdrawn	S33

EFFECTIVE: August 28, 2005

*** SB 127 ***

0562S.01I

SENATE SPONSOR: Dolan

SB 127 - This act modifies provisions of the law relating to health care providers and ambulatory medical treatment centers.

New language in sections 192.655 and 192.667, RSMo, changes "hospitals" to "health care providers". Also, Section 197.200, RSMo, renames and modifies the definition of "ambulatory surgical centers" to become "ambulatory medical treatment centers".

Section 197.205 provides that the Department of Health and Senior Services may establish subcategories of licensure for the various types of ambulatory medical treatment centers.

The annual license fee for applications is changed from two hundred dollars to a sufficient amount to be determined by the Department. All licenses fees shall be deposited in the "Ambulatory Medical Treatment Center Fund", which is created in the State Treasury (Section 197.210).

The Department shall issue licenses to ambulatory medical treatment centers if they submit a working agreement with at least one hospital in the same community regarding emergency transfers and admittance of patients. If hospitals and ambulatory medical treatment centers are unable to negotiate a working agreement, then they must enter into binding arbitration based on the American Arbitration Association (Section 197.215).

The regulations adopted by the Department of Health and Senior Services regarding ambulatory medical treatment centers must be consistent with Medicare participation and standards, which are developed by nationally recognized and accredited entities (Section 197.225).

Section 197.230 requires the Department to conduct inspections of ambulatory medical treatment centers with at least the same frequency as inspections of hospitals.

Each hospital and ambulatory medical treatment center shall submit to the Department of Health and Senior Services its Medicare net patient revenue, Medicaid net patient revenue, and the cost of the uninsured. If the sum of these three values is less than thirty percent of its total net patient service revenue for the fiscal year, then the hospital or ambulatory medical treatment center shall remit the amount of shortfall to the Department of Revenue to be deposited in the "Physician Support Fund".

Section 197.855 creates the "Physician Support Fund" in the State Treasury. The monies in this fund shall be used to improve access to care across the state by enhancing Medicaid payments to physicians.

By July 1, 2006, the State Board of Registration for the Healing Arts shall promulgate guidelines and standards for the performance of office-based surgery. By January 15, 2007, the Board shall present a report to the Governor and the General Assembly addressing patient safety, trends regarding office-based surgery, and recommendations for legislative action (Section 1).
LORIE TOWE

12/14/2004 Prefiled

12/17/2004 Bill Withdrawn

S33

EFFECTIVE: August 28, 2005

*** SB 128 ***

0130S.01I

SENATE SPONSOR: Coleman

SB 867 - This act requires that any product that contains a radio frequency identification tag or bar code shall have a label disclosing that information to the consumer.

This act is identical to SB 867 (2004).
HENRY HERSCHEL

12/16/2004 Prefiled

**MISSOURI SENATE
WEEKLY BILL STATUS REPORT**

01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Commerce, Energy and the Environment Committee	S85

EFFECTIVE: August 28, 2005

***** SB 129 *****

0681S.01I

SENATE SPONSOR: Vogel

SB 129 - This act changes the title of the official required to hear employment security cases from "referee" to "administrative appeals judge".

JASON ZAMKUS

12/17/2004	Prefiled	
01/05/2005	S First Read	S33
01/12/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	S75

EFFECTIVE: August 28, 2005

***** SB 130 *****

0581S.01I

SENATE SPONSOR: Clemens

SB 130 - This act amends workers' compensation law as follows:

(1) Owner-operators of for-hire motor carriers, operating in a commercial zone or under a certificate issued by the Missouri Department of Transportation or by the United States Department of Transportation, or its subagencies shall not be deemed to be employees under Missouri workers' compensation law;

(2) For-hire motor carriers shall not be deemed an employer of lessors of motor vehicles or lessor's employee.

JASON ZAMKUS

12/17/2004	Prefiled	
01/05/2005	S First Read	S33
01/12/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S75
01/12/2005	Hearing Conducted S Small Business, Insurance & Industrial Relations Committee	

EFFECTIVE: August 28, 2005

***** SB 131 *****

0510S.01I

SENATE SPONSOR: Loudon

SB 131 - This act allows insurance companies to invest capital, reserves and surplus in preferred or guaranteed stocks.

JASON ZAMKUS

12/20/2004	Prefiled	
01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S85

EFFECTIVE: August 28, 2005

***** SB 132 *****

0643S.01I

SENATE SPONSOR: Ridgeway

SB 132 - This act amends Section 407.1104, RSMo, (telemarketing no-call list) by adding persons who use wireless cell phones.

HENRY HERSCHEL

12/21/2004 Prefiled

01/05/2005 S First Read S33

01/13/2005 Second Read and Referred S Commerce, Energy and the S85
Environment Committee

EFFECTIVE: August 28, 2005

***** SB 133 *****

0634S.01I

SENATE SPONSOR: Loudon

SB 133 - This act requires the Commissioner of Administration to include in the state's Cafeteria Plan products from vendors if: 1) the product is eligible under the Internal Revenue Code; 2) the vendor is approved by the Office of Administration; and 3) the vendor is receiving at least \$500,000 annually from State employees through voluntary payroll deductions.

This act is similar to SB 132 (2003) & SB 1378 (2004).

JEFF CRAVER

12/22/2004 Prefiled

01/05/2005 S First Read S33

01/13/2005 Second Read and Referred S Financial & Governmental S85
Organizations and Elections Committee

EFFECTIVE: August 28, 2005

***** SB 134 *****

0569S.01I

SENATE SPONSOR: Wheeler

SB 134 - This act concerns actions to stop nuisances in Kansas City.

This act provides that a neighborhood organization representing persons aggrieved by a code violation may seek injunctive and other equitable relief in the circuit court for abatement of the nuisance upon showing: 1) The notice requirements have been satisfied; and 2) The nuisance still exists and has not been abated.

This act limits when such an action may be brought. It must be at least 60 days after the organization sends notice to the appropriate municipal agency. The action may not be brought if the municipal code enforcement agency has filed an action for equitable relief from the nuisance. Also, it must be at least 60 days after the organization sends notice to the tenant and property owner. If notice by mail is not returned, is refused, or signed for by a person other than the addressee, notice can be given by sending a copy by mail and posting a copy on the property.

This act requires notice to include the nature of the alleged nuisance, the date and time it was first discovered, the location of the nuisance, and the relief sought.

In filing a suit, an officer of the neighborhood organization shall certify to the court that the organization has taken steps to satisfy the notice requirements and that each condition needed for filing has been met.

Under this act, an action may not be brought against an owner of residential rental property unless a notice of violation has first been issued by an appropriate municipal code enforcement agency and remains outstanding after 45 days.

If a violation notice is an essential element of the municipal enforcement action, a copy of the notice signed by an official from the agency shall be prima facie evidence of the facts within the notice. A notice of abatement issued by the agency is evidence that the plaintiff is not entitled to the requested relief.

Under this act, a proceeding must be heard at the earliest date practicable and be expedited.

A political subdivision of the state and its agencies shall not be subject to any action resulting from an action against a private property owner under this act.

Nothing in this act may be construed as to abrogate any equitable or legal right or remedy otherwise available under the law. This act may not be construed to grant standing for actions challenging zoning applications, involving the interior physical defect of property, or involving a municipal alcohol law.

SUSAN HENDERSON

12/22/2004	Prefiled	
01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S85

EFFECTIVE: August 28, 2005

*** SB 135 ***

0568S.02I

SENATE SPONSOR: Wheeler

SB 135 - This act lengthens the time (from one month to six months) a property has to be unoccupied before a person can petition to have a property declared abandoned. The act also applies certain civil procedures to abandoned property petitions filed which currently only apply to Kansas City to all home rule cities.

STEPHEN WITTE

12/22/2004	Prefiled	
01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S85

EFFECTIVE: August 28, 2005

*** SB 136 ***

0705S.01I

SENATE SPONSOR: Champion

SB 136 - This act permits fully accredited school districts with more than 5,000 students to obtain a waiver from the Department of Elementary and Secondary Education permitting the district to choose its own accreditation standards if the district has maintained five consecutive years of full

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accreditation under state standards and can demonstrate through valid methods that its students are attaining reasonable standards. This waiver procedure supersedes other waiver rules.

This act is identical to HB 1406 from 2004.

DONALD THALHUBER

12/23/2004	Prefiled	
01/05/2005	S First Read	S33
01/13/2005	Second Read and Referred S Education Committee	S85

EFFECTIVE: August 28, 2005

*** SB 137 ***

0563L.01I

SENATE SPONSOR: Taylor

SB 137 - This act prohibits insurers from acquiring or maintaining any ownership interest in auto body repair shops, windshield repair shops or replacement shops. Any insurer that currently has an ownership interest in such a repair shop shall divest itself of the interest by August 28, 2008. This act also prohibits insurers from offering incentives or providing compensation to a person for the purpose of rewarding that person for referring an insured to an auto repair shop in which the insurer maintains an ownership interest. A violation of this act shall constitute a unlawful trade practice under Chapter 407.

STEPHEN WITTE

12/28/2004	Prefiled	
01/05/2005	S First Read	S33-34
01/13/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S85

EFFECTIVE: August 28, 2005

*** SB 138 ***

0208L.01I

SENATE SPONSOR: Wheeler

SB 138 - Under current law, the Kansas City sales tax for mass transportation will expire on December 31, 2005. This act removes this expiration date.

STEPHEN WITTE

12/29/2004	Prefiled	
01/05/2005	S First Read	S34
01/13/2005	Second Read and Referred S Ways & Means Committee	S85

EFFECTIVE: August 28, 2005

*** SB 140 ***

0546S.01I

SENATE SPONSOR: Days

SB 140 - This act requires state employees to contribute a percentage of their annual income toward their health insurance coverage beginning in fiscal year 2006. The coverage will be Missouri Consolidated Health Care Plan's premium plan option and will be based on the employee's annual salary. If the employee's plan is not the lowest cost plan, the state will contribute the amount of the lowest cost premium or the full amount of the premium plan, whichever is less. If no plan option is available, the rates will be applicable to coverage under the co-pay plan.

Moneys shall be appropriated by the General Assembly in the fiscal year 2006 budget to cover

the cost of reimbursing employees for the Missouri Consolidated Health Care Plan premiums paid by employees between January 1, 2005 and June 30, 2005, which exceed the premium amount that they would have paid had the act been in effect.

This act contains an emergency clause.

This act is identical to SB 1291 (2004).

ANDY LYSKOWSKI

12/30/2004	Prefiled	
01/05/2005	S First Read	S34
01/13/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	S86

EFFECTIVE: August 28, 2005

*** SB 141 ***

0641S.01I

SENATE SPONSOR: Nodler

SB 141 - This act exempts dealers who sell only emergency vehicles from maintaining a bona fide place of business (including the related law enforcement certification requirements) and from meeting the minimum yearly sales.

STEPHEN WITTE

01/03/2005	Prefiled	
01/05/2005	S First Read	S34
01/13/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	S86

EFFECTIVE: August 28, 2005

*** SB 143 ***

0687S.02I

SENATE SPONSOR: Gross

SB 143 - This act extends the sunset on the pharmacy providers tax, the hospital federal reimbursement allowance, and the nursing home federal reimbursement allowance by one year. Currently, each is set to expire in 2005.

The act contains an emergency clause.

JEFF CRAVER

01/04/2005	Prefiled	
01/05/2005	S First Read	S34
01/13/2005	Second Read and Referred S Ways & Means Committee	S86

*** SB 144 ***

0796S.02I

SENATE SPONSOR: Gross

SB 144 - This act converts two current associate circuit judges into circuit judges beginning on January 1, 2006. Current family court commissioners and drug court commissioners will become associate circuit judges on January 1, 2006, but will maintain their responsibilities with regard to the family court and drug court.

JIM ERTLE

01/04/2005	Prefiled	
01/05/2005	S First Read	S34
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S86

***** SB 145 *****

0330S.01I

SENATE SPONSOR: Dougherty

SB 145 - This act prohibits a consumer reporting agency from determining the credit risk score of a resident of this state by the number of inquiries posted on a consumer's credit files. Any consumer who receives a credit risk score in violation of this act shall have the right to bring a civil action and seek injunctive relief. The Attorney General is also authorized to prosecute civil and criminal actions authorized by this section.

This act is identical to SB 991 (2004).

JIM ERTLE

01/04/2005	Prefiled	
01/05/2005	S First Read	S34
01/13/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S86

EFFECTIVE: August 28, 2005

***** SB 146 *****

0781S.01I

SENATE SPONSOR: Dougherty

SB 146 - This act gives the Department of Health and Senior Services authority to receive and investigate written complaints of indoor air quality made by an employee of a public school. The Department may investigate, determine the origin of the problem and make recommendations on mitigation of the problem.

This act is similar to SB 815 (2004).

DONALD THALHUBER

01/04/2005	Prefiled	
01/05/2005	S First Read	S34
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S86

EFFECTIVE: August 28, 2005

***** SB 147 *****

0775S.01I

SENATE SPONSOR: Cauthorn

SB 147 - This act pertains to the Missouri Qualified Biodiesel Producer Incentive Fund.

This act removes current language that subjects the fund to "appropriations with funds other than general revenue funds". With this act, the fund is simply "subject to appropriation".

MEGAN WORD

01/04/2005	Prefiled	
01/05/2005	S First Read	S34

01/13/2005 Second Read and Referred S Agriculture, Conservation, S86
Parks & Natural Resources Committee

EFFECTIVE: August 28, 2005

*** SB 148 ***

0758S.01I

SENATE SPONSOR: Nodler

SB 148 - This act pertains to environmental regulation, in particular, the Land Reclamation Act.

This act clarifies that the Land Reclamation Act shall not be understood as a mechanism with which to regulate the excavation of minerals or fill dirt for the purpose of construction as unrelated to surface mining or the reclamation of land subsequent to surface mining.

The act adds definitions to Section 444.765 RSMo, as well as modifies the standing definition of "surface mining".

The act clarifies duties of the land reclamation commission, excluding the commission from regulating the excavation of minerals or fill dirt for the purpose of construction as unrelated to surface mining or the reclamation of land subsequent to surface mining, and stating that the powers granted the commission shall be utilized to promote the reclamation of land disturbed by surface mining for purposes of restoration.

The act allows for public entities, private persons, contractors or subcontractors to public entities or private persons to move minerals or fill dirt within the confines of real property for the purposes of construction or to remove such minerals or dirt as incidental to the primary purpose of construction at the site of excavation, without first obtaining a permit to do so. The circumstances under which excavations are to be considered for the purposes of construction are laid out in this act, as are those which shall be considered for the purposes of surface mining. Any private person, lessor, public entity, contractor or subcontractor engaged in land improvement may not be required to obtain a surface mining permit under this act, provided a determination by the director or commission is forthcoming to that effect. The activities to be considered for the purposes of mining are laid out in this act. The act goes on to state circumstances where land improvement activities are not for the purposes of mining and do not require a permit.

The Land Reclamation Commission shall promulgate rules further defining when land improvement does or does not require a surface mining permit. Such a determination shall be communicated to the owner of the property in question by letter. Upon request of the property owner, an informal conference shall be scheduled with the Director within fifteen calendar days to discuss the determination. Following which, the Director shall issue a written determination no later than thirty calendar days after the aforementioned conference. If there continues to be a disagreement between the property owner and the Director, the property owner may make a request for a hearing before the commission; the details of that request are laid out in this act. The act clarifies that until a written determination has been issued, the property owner may continue the activity at the site in question. If the final determination is that a permit is required, all fees or rules of the commission shall apply.

The burden of proof to establish that a permit is required shall be on the director and commission, that burden establishing that a permit is not required shall be on the person receiving a determination to the contrary.

MEGAN WORD

01/04/2005	Prefiled	
01/05/2005	S First Read	S34
01/13/2005	Second Read and Referred S Commerce, Energy and the Environment Committee	S86

EFFECTIVE: August 28, 2005

*** SB 149 ***

0802S.01I

SENATE SPONSOR: Nodler

SB 149 - This act establishes a separate hearing for a back pay award and establishment of a reinstatement date after the appeal of a decision finding in favor of a state employee in the merit system in a dismissal, demotion or suspension.

HENRY T. HERSCHEL

01/04/2005	Prefiled	
01/05/2005	S First Read	S34
01/13/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S86

EFFECTIVE: August 28, 2005

*** SB 150 ***

0484S.01I

SENATE SPONSOR: Green

SB 150 - This act creates the Public Service Accountability Act, which requires most public bodies to analyze costs and benefits of privatizing their services for any service valued at \$25,000 or more. The public body must prepare a statement of services proposed to be the subject of the privatization contract that includes the specific quantity and standard of quality which will be used to solicit sealed bids.

The act contains requirements for the bidding procedure. A comprehensive written estimate of the cost of a privatization contract and the cost of regular public employees providing the services must be prepared. A contract can only be granted when the cost differential is more than a 10% savings. Minimum wages for the privatization contract are established. No contract may exceed two years in length. Privatization contractors must offer employment positions to qualified agency employees whose jobs are eliminated as a result of the contract.

The act outlines other considerations for the awarding of a privatization contract. Certain restrictions are placed on the hiring of a subcontractor and creates guidelines for the contractor to follow during the length of the privatization contract. Remedies for violation of this law are outlined in the act. Funds of a public body may not be used to support or oppose unionization. A privatization contract is defined as an agreement, or combination or series of agreements, by which a non-governmental person or entity agrees with a public body to provide services which are substantially similar to and in lieu of services which have been provided, in whole or in part, by regular employees of a public body.

This act contains an emergency clause.

JASON ZAMKUS

01/04/2005	Prefiled	
01/05/2005	S First Read	S34

01/13/2005	Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee	S86
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EFFECTIVE: August 28, 2005

*** SB 151 ***
SENATE SPONSOR: Green

SB 151 - This act prohibits state senators and representatives from receiving state health insurance. The act includes a delayed effective date, which makes the act effective January 1, 2006, the same time that the insurance policies are renewed.

JASON ZAMKUS

01/04/2005	Prefiled	
01/05/2005	S First Read	S34
01/13/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	S86

EFFECTIVE: October 1, 2006

*** SB 152 ***
 SENATE SPONSOR: Wilson

SB 152 - This act creates the "Youth Smoking Prevention Trust Fund", which shall be funded by monies received under the Master Settlement Agreement. The Commission for Youth Smoking Prevention is established in the Department of Health and its membership and duties are outlined within the act.

JASON ZAMKUS

01/04/2005	Prefiled	
01/05/2005	S First Read	S34
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S86

EFFECTIVE: August 28, 2005

*** SB 153 ***
 SENATE SPONSOR: Graham

SB 153 - This act modifies the law relating to ombudsman volunteers. This act prohibits any long-term care facility from relieving an ombudsman volunteer from their duties. Ombudsman volunteers may only be relieved by the regional ombudsman in consultation with the state ombudsman.

This act also requires all long-term care facilities to accept ombudsman volunteers when they are available. Any long-term care facility not willing to work with the ombudsman program will be subject to sanctions by the Department of Health and Senior Services.

This act is identical to HB 1441 (2004).

ANDY LYSKOWSKI

01/05/2005	S First Read	S35
01/13/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S86

EFFECTIVE: August 28, 2005

*** SB 154 ***

0235S.01I

SENATE SPONSOR: Bray

SB 154 - This act modifies the law relating to the establishment of paternity.

New language requires the Division of Family Support to provide a presumptive father identification form when a child is born to an unmarried woman or a woman who is married but whose husband is not the father. The form shall contain any information on the identity and location of the possible father. This form will not be deemed an affidavit and its' use will not subject the mother to any civil or criminal penalties if the information is provided in good faith.

The Division shall furnish the form to county clerks, state and local registrar's offices, and the mother for her review. The Division shall maintain a file on each child listed on a presumptive father identification form and shall take the necessary steps to located the suspected father.

If the suspected father is located, the Division shall attempt to legally obtain a DNA sample to establish paternity for the child. If the DNA test confirms paternity, the Division is responsible for notifying the biological father of his rights and responsibilities regarding the child. Once paternity is established, the Attorney General may recover any administrative costs associated with the paternity test.

This act is identical to SB 1330 (2004).

ANDY LYSKOWSKI

01/05/2005 S First Read S35

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal S86
Jurisprudence Committee

EFFECTIVE: August 28, 2005

*** SB 155 ***

0716S.01I

SENATE SPONSOR: Mayer

SB 155 - This act requires certain identifying information to be expunged by the Division of Family Services. For investigation reports against mandated reporters, the Division shall expunge identifying information within thirty days if the Division finds that there is insufficient evidence of abuse or neglect and the allegation was made maliciously.

ANDY LYSKOWSKI

01/05/2005 S First Read S35

01/18/2005 Second Read and Referred S Education Committee

EFFECTIVE: August 28, 2005

*** SB 156 ***

0622S.01I

SENATE SPONSOR: Shields

SB 156 - This act modifies the law relating to port authorities. This act expands or clarifies the port authority law to provide that one of the purposes of a port authority is to promote development within the port district (Section 68.020). The act allows port authorities to acquire, own, construct, develop, lease, maintain, and conduct land reclamation with respect to unimproved land, residential developments, commercial developments and mixed-use developments. Under current law, port

authorities can only own and develop property that is industrial in nature (Section 68.025). Under the current law, port authorities have the power to own and develop certain property for a period of five years in the event private operators are not interested or available. After the five year period, the properties must be submitted to a competitive bidding process. This act modifies this process by interjecting more flexibility for port authorities. The act provides that port authorities may enter into agreements with private operators and public entities for the join development, redevelopment and reclamation of property within the port district.

STEPHEN WITTE

01/06/2005 S First Read S43
01/18/2005 Second Read and Referred S Transportation Committee

EFFECTIVE: August 28, 2005

*** SB 157 ***

0585S.01I

SENATE SPONSOR: Crowell

SB 157 - This act authorizes the sheriff of every county to pay costs and expenses for activities related to the issuing of concealed carry endorsements from the sheriff's revolving fund. The application and renewal fees shall be based on the sheriff's estimate of the actual costs and expenses incurred. If the maximum fee is inadequate to cover the actual expenses in a year and there are insufficient funds in the revolving fund, a sheriff may present specific and verified evidence of the unreimbursed expenses to the Office of Administration which, upon certification by the Attorney General, shall reimburse such sheriff for those expenses.

This act is similar to HB 1601 (2004).

SUSAN HENDERSON

01/06/2005 S First Read S43
01/18/2005 Second Read and Referred S Pensions, Veterans' Affairs and
General Laws Committee

EFFECTIVE: August 28, 2005

*** SB 158 ***

0709S.02I

SENATE SPONSOR: Cauthorn

SB 158 - This act establishes a prescription monitoring program in the Department of Health and Senior Services. The program will monitor the prescribing and dispensing of all Schedule II through Schedule V controlled substances by all licensed professionals who prescribe or dispense these substances in Missouri. The dispenser must electronically submit to the department information for each prescription and specifies the frequency of the submissions. The department may issue a waiver to a dispenser who is unable to submit the required information electronically. If a waiver is obtained, a dispenser can submit the required information in paper format or by other approved means. All submitted prescription information shall be confidential. Exceptions to this requirement include violations of law or breach of professional standards which result in an investigation and the submission or the release of prescription information to authorized persons.

The act authorizes the release of non-personal, general information for statistical, educational, and research purposes. The department may contract with other state agencies or private vendors to implement the provisions of this act. The act contains penalty provisions for dispensers and authorized persons who violate provisions of the act. The department is required to implement certain education courses regarding the prescription monitoring program. The department shall,

when appropriate, work with associations for impaired professionals to ensure ongoing monitoring and treatment and encourage individual patients who are addicted to substances monitored by the program to receive addiction treatment.

The provisions of this act shall be effective on January 1, 2006 and sunset in six years.

This act is similar to HB 987 (2004).

JIM ERTLE

01/10/2005 S First Read S60

01/18/2005 Second Read and Referred S Judiciary and Civil & Criminal
Jurisprudence Committee

EFFECTIVE: January 1, 2006

*** SB 159 ***

0806S.01I

SENATE SPONSOR: Cauthorn

SB 159 - This act adds substances to the controlled substance schedules.

SUSAN HENDERSON

01/10/2005 S First Read S60

01/18/2005 Second Read and Referred S Judiciary and Civil & Criminal
Jurisprudence Committee

EFFECTIVE: August 28, 2005

*** SB 160 ***

0511S.01I

SENATE SPONSOR: Bartle

SB 160 - This act prohibits human cloning. "Cloning a human being" is defined as the creation of a human being by any means other than by the fertilization of an oocyte of a human female by a sperm of a human male.

This act prohibits any individual from knowingly cloning, attempting to clone a human being, or participating in cloning a human being. This act also prohibits any person from knowingly using public funds or public facilities to clone a human being.

Under this act, no public employee shall knowingly allow any person to clone a human being while making use of public funds or facilities.

A violation of this section is a Class B felony.

SUSAN HENDERSON

01/11/2005 S First Read S66

EFFECTIVE: August 28, 2005

*** SB 161 ***

0662S.03I

SENATE SPONSOR: Gross

SB 161 - This act disallows local school boards from prohibiting teachers and administrators from reading or posting in public school buildings any excerpt from a specified list of documents and verses related to American and Missouri history and patriotism. The act prohibits censorship of any of the specified items based on religious content or reference.

This act is similar to HB 971 from 1996.
DONALD THALHUBER

01/11/2005 S First Read S66
01/18/2005 Second Read and Referred S Education Committee

EFFECTIVE: August 28, 2005

*** SB 162 ***

0259S.01I

SENATE SPONSOR: Gross

SB 162 - This act removes references to the Committee on Radiation Control from sections 192.400, 192.410, and 192.420, RSMo.
HENRY T. HERSCHEL

01/11/2005 S First Read S66-67
01/18/2005 Second Read and Referred S Aging, Families, Mental &
Public Health Committee

EFFECTIVE: August 28, 2005

*** SB 163 ***

0415S.03I

SENATE SPONSOR: Loudon

SB 163 - This act makes the following changes with regard to unemployment security:

SECTION 288.036 - TAXABLE WAGE BASE (TAX) INCREASE LIMIT

The mandated increases in the taxable base are limited to a maximum of \$12,000 instead of \$13,000 under current law.

SECTION 288.038 - MAXIMUM WEEKLY BENEFIT INCREASE

The mandated increases in the weekly benefit amount are limited to \$300 per week, instead of the \$320 per week under current law.

The weekly benefit amount will permanently be set at 3.75% of the average of the claimants two highest quarters earnings within the base period beginning in 2006. Current law has 4% of the highest quarter in 2005, 3.75% of the highest quarter in 2006 and 2007, and then 4% of the average of the two highest quarters in 2008.

SECTION 288.045 - DRUG AND ALCOHOL TESTING

Eliminates acceptable limits of marijuana and alcohol. Allows consideration of random and pre-employment screens for a finding of misconduct with appropriate notice. Permits accrediting by approved professional organizations, rather than just U.S. D.O.T.. Allows for a refusal to submit to a drug screen to be considered misconduct.

SECTION 288.050.3 - ABSENTEEISM

The department must consider violation of employer policy as misconduct if appropriate notice is given. Eliminates the requirement of a "pattern" of tardiness or absenteeism.

SECTION 288.121 - UNCONSTITUTIONAL SURCHARGE ELIMINATED

Eliminates the temporary debt indebtedness assessment.

SECTION 288.128 - DUAL SURCHARGE/UNCONSTITUTIONAL SURCHARGE
ELIMINATED

Subsection 1 eliminates one year payment of all outstanding non-federal loans. Subsection 2 deletes the entire section authorizing unconstitutional surcharge.

SECTION 288.310 - DELETES REFERENCES TO UNCONSTITUTIONAL SURCHARGE

SECTION 288.330 - PERMITS BONDING WITHOUT UNCONSTITUTIONAL SURCHARGE
Deletes all references to the unconstitutional surcharge and extends repayment period to not longer than 10 years.

JASON ZAMKUS

01/11/2005	S First Read	S67
01/18/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	

EFFECTIVE: August 28, 2005

*** SB 164 ***

0583S.01I

SENATE SPONSOR: Crowell

SB 164 - This act prohibits the expenditure of public funds to existing or proposed health and social services programs that directly or indirectly subsidize abortion services. An entity that is affiliated with another entity that provides abortion services may only receive public funds if the affiliated entity is an independent affiliate. Entities that provide counseling to pregnant women and receive public funds may only provide non-directive pregnancy counseling and may not display or distribute material promoting abortion services.

This act also requires entities that receive public funds to maintain records that demonstrate strict compliance. An independent audit of these entities must be conducted at least once every three years. If the recipient of public funds is affiliated with an entity that provides abortion services, an audit must be conducted each year to ensure compliance. The act includes exceptions for reimbursement to entities that provide services that are required under federal Medicaid regulations and certain services required under the federal family planning program.

This act is identical to HB 1000 (2004).

JIM ERTLE

01/11/2005	S First Read	S67
01/18/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	

EFFECTIVE: August 28, 2005

*** SB 165 ***

0887S.01I

SENATE SPONSOR: Bartle

SB 165 - This act changes the appeal of a Public Service Commission order from the circuit court in the county where the hearing was held to the appellate court of the district where the commission has its principal office. The filing of the notice of appeal shall not automatically stay the commission's order. The appealing party may ask the appellate court to appoint a special master to determine whether the order must be stayed. The special master has the authority to maintain the status quo of the commission's order pending the appeal or the order. If the appellate court decision

of the commission's order is further appealed, the appeal to the Missouri Supreme Court will take precedence over all other civil appeals on the supreme court docket if a bond of \$500 is filed in a timely manner.

HENRY HERSCHEL

01/12/2005	S First Read	S71
01/18/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE: August 28, 2005

*** SB 166 ***

0944S.01I

SENATE SPONSOR: Green

SB 166 - This act allows the state to determine which employers are shifting their responsibility to provide health care coverage for their employees to state taxpayers. This is accomplished by requiring hospitals to report employees of private companies which obtain care at emergency rooms or disclose that they do not have health care benefits. In addition, the state must disclose the total cost to the state if providing public health care benefits for the employees.

HENRY T. HERSCHEL

01/12/2005	S First Read	S71
01/18/2005	Second Read and Referred S Small Business, Insurance & Industrial Relations Committee	

EFFECTIVE: August 28, 2005

*** SB 167 ***

0878S.01I

SENATE SPONSOR: Green

SB 167 - This act requires that privately funded mental health facilities have the same reporting requirements for patient abuse as state mental health facilities. This act also requires a cost benefit analysis before the closing or downsizing of any state mental health facility.

HENRY T. HERSCHEL

01/12/2005	S First Read	S71
01/18/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	

EFFECTIVE: August 28, 2005

*** SB 168 ***

0780S.02I

SENATE SPONSOR: Dolan

SB 168 - This act requires a claimant provide written notice to a contractor of a construction defect claim before initiating an action against the contractor. The notice shall sufficiently describe the nature of the alleged defects and provide any evidence depicting the nature or cause of said claim. Within fourteen days after service of the notice, a contractor may serve on the claimant a written response either offering settlement or proposing inspection of the dwelling. If the contractor wholly rejects the claim and refuses either remedy the alleged defect or settle the claim, or if the contractor does not respond to the claim within fourteen days, the claimant may bring an action against the contractor.

If the claimant rejects the settlement offer made by the contractor, the claimant shall provide notice of the rejection within thirty days. If a request for inspection is made by the contractor, the

claimant shall provide access to the dwelling for inspection and testing purposes within thirty days of receipt of said request. If destructive testing is required, the contractor shall give advanced notice to the claimant and after said testing shall return the dwelling to its pretesting condition.

Within fourteen days of completion of inspections and testing, the contractor may serve the claimant with an offer of monetary settlement, to repair, or a combination of both, or a statement that the contractor will not proceed further to remedy the defect. If the contractor offers to repair or make a monetary settlement of the claim but fails to make payment or repair the defect, the claimant may bring an action against the contractor. Filing the offer of settlement and the claimants acceptance shall create a rebuttable presumption that a valid settlement agreement has been created and should be enforced.

If the claimant rejects the offer made by the contractor, the claimant shall serve written notice upon the contractor of said rejection within thirty days. The notice shall include the reasons for the claimant's rejection. Upon receipt of the claimant's rejection, the contractor has fourteen days to elect to make supplemental offer of settlement.

If the claimant rejects the supplemental offer of settlement, the claimant shall serve written notice upon the contractor setting out the reasons for rejection. In any subsequent action where the claimant asserts that the supplemental offer was unreasonable, the claimant will not be able to raise any issues that were not presented in the notice to the contractor. A contractor shall have fourteen days from receipt of the notice of rejection to request non-binding mediation. The mediator shall be agreed upon by both parties who shall equally share the cost of mediation.

If the claimant rejects a reasonable offer, the claimant may not recover an amount in excess of the fair market value of the offer of settlement or the actual cost of repairs made, which ever is less. The claimant may not recover an amount in excess of the amount of a monetary settlement. A claimant who rejects a reasonable offer, as found by a trier of fact, may not recoup attorneys' fees incurred after the date of rejection.

A claimant wishing to accept an offer of settlement made by a contractor must do so within thirty days of receipt. Prompt and unfettered access must be provided to a contractor to allow the contractor to perform necessary repairs if the claimant accepts the offer of settlement.

If during an period of the offer inspection and acceptance of settlement process, an applicable statute of limitations period would otherwise expire, the claimant may bring an action against the contractor, but the action shall be immediately abated pending completion of the notice of claim process.

The notice of claim process may be amended by written agreement between both parties. Reasonable repairs may be immediately undertaken by the homeowner or his designee, including the contractor to prevent imminent injury to persons because of the alleged defects. Claimants may thereafter include the cost of such repairs in the written notice of claim sent to the contractor. Other than repairs undertaken to remedy an emergency situation, any other repairs to defects undertaken by homeowners shall not be included in claims against the contractor and shall not be the subject of an action.

If a claimant files an action without first complying with the procedure set out in this act, the action shall be dismissed without prejudice, and the action may resume until the claimant has

complied with all such requirements. To the extent the action includes a cause of action for personal injury or wrongful death, such cause of action shall not be subject to dismissal.

Mediation under this section shall take place in the county where the claimant resides or any other mutually agreed upon location.

If a claimant accepts an offer made in compliance with this act, the claimant shall thereafter be barred from bringing an action for the claim described in the notice.

The act exempts contractors from liability for damages for certain causes and if the homeowner is not the first owner of the dwelling. Upon contracting for sale, construction, substantial remodel or improvement of a dwelling, a contractor shall provide notice to the owner of the contractor's right to resolve alleged defects.

The provisions of this act shall not apply in situations where a contractor brings an action against a homeowner and the homeowner make a counter claim for alleged defects.

This act shall not preclude a contractor and homeowner from entering into contracts stipulating that an alternative form of dispute resolution shall be utilized to resolve disputes. The provisions of this act shall apply to associations asserting defects in the construction of two or more residences, common elements, or common areas.

If passed, this act shall apply to all actions commenced on or after August 28, 2005.

JASON ZAMKUS

01/12/2005	S First Read	S71
01/18/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE: August 28, 2005

*** SB 169 ***

0757S.01I

SENATE SPONSOR: Gross

SB 169 - This act extends the aviation sales from 2008 to 2010. The act also clarifies the agency (Department of Transportation) that Section 305.230, RSMo applies.

HENRY T. HERSCHEL

01/12/2005	S First Read	S71
01/18/2005	Second Read and Referred S Ways & Means Committee	

EFFECTIVE: August 28, 2005

*** SB 170 ***

0636S.03I

SENATE SPONSOR: Gross

SB 170 - This act extends the Dry Cleaning Fee until 2012. The act also requires that the Hazardous Waste Commission adopt rules to carry out the provisions of Sections 260.900 to 260.960, RSMo, no later than July 1, 2007.

HENRY HERSCHEL

01/12/2005	S First Read	S71
01/18/2005	Second Read and Referred S Ways & Means Committee	

EFFECTIVE: August 28, 2005

*** SB 171 ***

0893S.01I

SENATE SPONSOR: Purgason

SB 171 - The act removes Section 229.160, RSMo from the law. The section requires all persons owning, among other things, tractors, and moving those vehicles over public highways to lay down planks on the floors of all bridges. If such planks are not laid the person responsible for the vehicle is held liable for double the amount of injury caused to the bridge in question.

MEGAN WORD

01/12/2005	S First Read	S71-72
01/18/2005	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	

EFFECTIVE: August 28, 2005

*** SB 172 ***

0898S.01I

SENATE SPONSOR: Purgason

SB 172 - This act repeals HS/HCS/HB 1433 (2004) authorizing the creation of watershed improvement districts.

SUSAN HENDERSON

01/12/2005	S First Read	S72
01/18/2005	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	

EFFECTIVE: August 28, 2005

*** SB 173 ***

0851S.01I

SENATE SPONSOR: Scott

SB 173 - This act creates a graduated increase in payments to sheltered workshops. Currently, the workshops are reimbursed at a rate of thirteen dollars multiplied by the number of six-hour or longer days worked by handicapped workers. This act increases this payment so that, by July 1, 2008, and thereafter, the workshops are reimbursed at a rate of eighteen dollars multiplied by the number of six-hour or longer days worked by handicapped workers.

DONALD THALHUBER

01/12/2005	S First Read	S72
01/18/2005	Second Read and Referred S Aging, Families, Mental & Public Health Committee	

EFFECTIVE: August 28, 2005

*** SB 174 ***

0953S.01I

SENATE SPONSOR: Vogel

SB 174 - This act authorizes the state to convey land to the Regional West Fire Protection District.

This act has an emergency clause.

SUSAN HENDERSON

01/12/2005	S First Read	S74
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01/18/2005 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE: Emergency Clause

*** SB 175 ***

0890S.03I

SENATE SPONSOR: Koster

SB 175 - Under the provisions of this act, the Coordinating Board for Higher Education will provide up to 25 tuition grants to the surviving children of any member of the military who was killed in the line of duty and who was, at the time of enlistment and death, a citizen of Missouri. The grants will pay fifty percent of the surviving child's tuition costs, the actual cost of books, and up to two thousand dollars per semester for room and board.

The act delineates specific eligibility criteria for both the recipients and the higher education institutions.

The Coordinating Board will administer the program.

DONALD THALHUBER

01/13/2005 S First Read S80-81

01/18/2005 Second Read and Referred S Pensions, Veterans' Affairs and
General Laws Committee

EFFECTIVE: August 28, 2005

*** SB 176 ***

0979S.02I

SENATE SPONSOR: Vogel

SB 176 - This act allows Cole County to elect a sheriff, due to a vacancy in the office, on the general municipal election day (April 5) regardless of the amount of time that lapses from the date of vacancy. Currently, if the vacancy occurs more than 9 months from a general election, a special election must be held.

This provision will expire on June 1, 2005.

This act allows the governing body of Poplar Bluff to impose, subject to voter approval, a sales tax on retail sales for the purpose of funding local economic development projects, including transportation projects. The sales tax may be approved at the rate of one-half of 1% of the receipts from taxable retail sales within the city. Revenue collected from the sales tax, less 1% for the cost of collection, is to be deposited by the Director of Revenue into the Local Economic Development Sales Tax Fund. The tax will terminate as approved by the voters.

This act has an emergency clause.

SUSAN HENDERSON

01/13/2005 S First Read S81

01/18/2005 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE: Emergency Clause

*** SB 177 ***

0787S.01I

SENATE SPONSOR: Shields

SB 177 - Currently, certain dentists who perform dental primary care and preventive health services are covered by the state legal expense fund. This act adds extractions to the definition of "dental primary care and preventive health services.

JIM ERTLE

01/13/2005	S First Read	S177
01/18/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE: August 28, 2005

*** SB 178 ***

0847S.01I

SENATE SPONSOR: Shields

SB 178 - This act modifies provisions regarding the licensing of podiatrists. References to podiatry are changed to podiatric medicine. The act changes references to the registration of podiatrists to the licensure of podiatrists. The required examination for licensure shall be an exam offered by the National Board of Podiatric Medical Examiners as well as an exam on applicable Missouri law and regulations. The act deletes the requirement that the license contain the residence address of the individual. The act authorizes the board to require an additional fee for duplicate licenses if the person maintains more than one office.

Persons serving an internship/residency in a Missouri hospital may obtain a license from the board for a two-year period, instead of the current law which authorizes a one-year license with a one-year renewal. The act modifies provisions to require biennial license renewal, rather than annual license renewal. A retired podiatrist will be required to submit evidence of obtaining sufficient continuing education in order to reactivate the person's license. Each board member will receive \$70, rather than the current \$50, for each day devoted to board activities.

The act provides that if the board revokes the license of a podiatrist, the board may prohibit the person from reapplying for a period of time ranging from two to seven years. Before restoring any license which has been revoked or inactive for any reason, the board can require the person to obtain continuing medical education courses and pass specified examinations.

JIM ERTLE

01/13/2005	S First Read	S81
01/18/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	

EFFECTIVE: August 28, 2005

*** SB 179 ***

0983S.01I

SENATE SPONSOR: Griesheimer

SB 179 - This act pertains to utility companies and cost recovery.

The act authorizes the Public Service Commission to approve alternate rate plans that reflect changes in costs. These costs can be capital or expense and include fuel and purchased power costs as well as environmental compliance costs.

MEGAN WORD

01/13/2005	S First Read	S81
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01/18/2005 Second Read and Referred S Commerce, Energy and the
Environment Committee

EFFECTIVE: August 28, 2005

*** SB 180 ***

0485S.01I

SENATE SPONSOR: Loudon

SB 180 - This act requires the Governor to annually issue a proclamation setting apart February sixth as "Ronald Reagan Day" in Missouri.

JASON ZAMKUS

01/13/2005 S First Read S81

01/18/2005 Second Read and Referred S Financial & Governmental
Organizations and Elections Committee

EFFECTIVE: August 28, 2005

*** SB 181 ***

0486S.02I

SENATE SPONSOR: Loudon

SB 181 - This act designates the New Mississippi River Bridge, which connects Missouri to Illinois in downtown St. Louis, as the "Ronald Wilson Reagan Memorial Bridge".

JASON ZAMKUS

01/13/2005 S First Read S81

01/18/2005 Second Read and Referred S Transportation Committee

EFFECTIVE: August 28, 2005

*** SB 182 ***

0892S.01I

SENATE SPONSOR: Scott

SB 182 - This act exempts persons who only sell liquefied petroleum gas in containers having a capacity of 50 pounds or less that have been filled by another person to be registered with the Department of Agriculture from the registration requirements of Section 323.060.

Under this act, persons registered to sell liquefied petroleum gas must demonstrate financial responsibility for compensating third parties for bodily injury and property damage caused by the release of liquefied petroleum gas. The minimum amount of financial responsibility shall be \$1,000,000 per occurrence with an annual aggregate of \$2,000,000. The person may demonstrate insurance either by self insurance if an independent audit shows that the person has a net worth of \$10,000,000. The person may also demonstrate financial responsibility by obtaining liability insurance issued by an insurance company authorized to do business in Missouri. A person cannot engage in the business of selling liquefied petroleum gas until proof of financial responsibility is filed with the Department of Agriculture.

STEPHEN WITTE

01/13/2005 S First Read S81

01/18/2005 Second Read and Referred S Small Business, Insurance &
Industrial Relations Committee

EFFECTIVE: August 28, 2005

*** SB 183 ***

0657S.01I

SENATE SPONSOR: Scott

SB 183 - Under the provisions of this act, any Administrative Law Judge or Legal Advisor who is originally employed as such on or after January 1, 2006 will no longer be eligible to participate in the Administrative Law Judge and Legal Advisor's Retirement System. Instead, such persons will be covered under the state employees' retirement system. However, no Administrative Law Judge or Legal Advisor who is employed before January 1, 2006, or who has retired before that date will be affected by this act.

The liabilities and assets of the Administrative Law Judge's and Legal Advisor's retirement system are transferred and combined with the state employees' retirement system. The contribution rate certified by the board shall include amounts necessary to cover the costs of the Administrative Law Judge's and Legal Advisor's retirement system.

This act is similar to the introduced SB 0248 (2003).

DONALD THALHUBER

01/13/2005	S First Read	S81
01/18/2005	Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee	

EFFECTIVE: August 28, 2005

*** SB 184 ***

0889S.011

SENATE SPONSOR: Coleman

SB 184 - This act imposes a \$25 surcharge on all felony court proceedings involving drugs; offenses against the person; sexual offenses; robbery, burglary, and arson; stealing; and weapons, except when charges are dismissed or when costs are to be paid by the state or political subdivision.

Fifty percent of the surcharge will be deposited in the Gang Resistance Education and Training (GREAT) Fund, to be administered by DESE. The department, in conjunction with participating local law enforcement, will develop a program for gang resistance training in school districts in need of such services, as determined by the department. The program is intended to help children understand how gang violence affects communities and how to resolve conflicts without violence. The remaining 50% of the funds collected will be used to provide matching grants to school districts to fund the after-school reading retreat program.

The provisions of this act terminate on December 31, 2010.

This act is similar to SB 1347 (2004).

DONALD THALHUBER

01/13/2005	S First Read	S81
01/18/2005	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE: August 28, 2005

*** SCR 1 ***

SENATE SPONSOR: Gibbons

SCR 1 - This resolutions establishes a committee relating to the 2005 inaugural ceremonies.
HENRY T. HERSCHEL

01/05/2005	S First Read	
01/06/2005	S Adopted	S43
01/06/2005	S Committee Appointed - Callahan, Cauthorn, Champion, Clemens, Coleman, Dolan, Gibbons, Graham, Griesheimer, Gross, Green, Klindt, Loudon, Scott, Shields, Vogel, Wheeler, Wilson	S43
01/10/2005	H adopted	S51 / H34-35
01/10/2005	H Committee Appointed - Baker, Chinn, Nance, Cunningham, Phillips, Roark, Icet, Moore, Behnen, Hobbs, Hunter, Henke, Villa, Harris, Levota, Johnson, Wright-Jones, Young	S51 / H35

***** SCR 2 *****

0313S.01I

SENATE SPONSOR: Cauthorn

SCR 2 - This resolution expresses the support and gratitude of the General Assembly for faith-based and community organizations and encourages the state and all local governments to work in partnership with such organizations to provide quality social services to the citizens of this state.

This resolution is identical to SCR 24 (2004).

JIM ERTLE

01/11/2005	S Offered	S66
01/12/2005	Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S75
01/13/2005	Hearing Scheduled S Rules, Joint Rules, Resolutions & Ethics Committee	
01/13/2005	Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	

***** SJR 1 *****

0112S.03I

SENATE SPONSOR: Klindt

SJR 1 - This joint resolution modifies the constitution, upon voter approval, by resubmitting the parks and soils tax to the voters every 10 years, beginning in 2006. The tax is currently set to expire in 2008 without an option for voter approval. This amendment to the constitution would require that it be submitted to the voters every ten years for re-approval.

The act is similar to SJR 49 (2004).

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S34
01/18/2005	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	

EFFECTIVE: referendum

***** SJR 2 *****

0290S.01I

SENATE SPONSOR: Klindt

SJR 2 - This resolution amends the current constitutional provisions regarding the budget

reserve fund. The fund, often called the "rainy day fund" would be modified to allow a four year repayment term instead of the current three year term, when money is withdrawn from the fund for emergency purposes.

The amendment sets aside one third of any amount of general revenue collections that exceed general revenue expenditures in a fiscal year. The amendment would also set aside one-half of any amount that exceeds general revenue expenditures in a year in which a "Hancock refund" was required, if any excess exists after making the refund.

One-half of the money in the fund that was deposited as a result of these new provisions would be accessible by a simple majority vote of each house of the legislature, in any year in which there is a budget shortfall. The remaining half would be accessible by a two thirds vote.

This SJR is similar to SJR 43 (2004).

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S34
01/18/2005	Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee	

EFFECTIVE: referendum

*** SJR 3 ***

0314S.01I

SENATE SPONSOR: Cauthorn

SJR 3 - This proposed constitutional amendment provides that the conservation sales tax be resubmitted to the voters every ten years after the general election in 2007.

This resolution is identical to SJR 47 (2004).

MEGAN WORD

12/01/2004	Prefiled	
01/05/2005	S First Read	S34-35
01/18/2005	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	

EFFECTIVE: referendum

*** SJR 4 ***

0442S.01I

SENATE SPONSOR: Cauthorn

SJR 4 - This resolution places a proposed constitutional amendment before the voters to allow a school district to provide transportation for private school pupils, provided that any such pupil, or the pupil's parent or other guardian, reimburses the district for the proportionate share of the actual operating and capital expenses incurred in providing the transportation services.

This resolution is identical to SJR 032 (2004).

DONALD THALHUBER

12/01/2004	Prefiled	
01/05/2005	S First Read	S35
01/18/2005	Second Read and Referred S Education Committee	

EFFECTIVE: referendum

*** SJR 5 ***

0380S.01I

SENATE SPONSOR: Coleman

SJR 5 - This proposed constitutional amendment, if approved by the voters, changes the minimum age requirement for state representatives from 24 to 21 and the minimum age requirement for state senators from 30 to 25.

This resolution is identical to SJR 33 (2004).

JIM ERTLE

12/01/2004	Prefiled	
01/05/2005	S First Read	S35
01/18/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	

EFFECTIVE: referendum

*** SJR 6 ***

0042S.03I

SENATE SPONSOR: Bartle

SJR 6 - This resolution amends the Constitution by creating a Missouri Savings Account. The account shall be comprised of funds deposited annually at a rate of 2% of the general revenue appropriations for that year. If general revenue collections do not increase by 3% or more by the end of a fiscal year, the monies deposited in the fund that year shall lapse and be used for the next year's expenditures.

In any year in which there is a budget shortfall or when the consensus revenue estimate forecasts a decrease in revenue for the upcoming year, the general assembly may utilize 1/3 of the monies in the fund for budgetary purposes. If the balance in the account reaches 1/3 of general revenue collections for any fiscal year, the excess shall lapse to general revenue.

JEFF CRAVER

12/01/2004	Prefiled	
01/05/2005	S First Read	S35
01/18/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	

EFFECTIVE: referendum

*** SJR 7 ***

0113S.01I

SENATE SPONSOR: Bartle

SJR 7 - This proposed constitutional amendment abolishes the Highways and Transportation Commission and transfers that body's powers to the Director of Transportation. The Director will be appointed by the Governor, with the advice and consent of the Senate. All references to the Highway Commission shall mean the Director of Transportation and the Department of Transportation.

This joint resolution is similar to SJR 34 (2004), SJR 6 (2003) and HJR 52 (2002).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read S35
01/18/2005 Second Read and Referred S Transportation Committee

EFFECTIVE: Referendum

*** SJR 8 ***

0420S.01I

SENATE SPONSOR: Bartle

SJR 8 - This proposed constitutional amendment, if approved by the voters, forever preserves an individual's right to hunt in Missouri.

MEGAN WORD

12/01/2004 Prefiled
01/05/2005 S First Read S35
01/18/2005 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee

EFFECTIVE: Referendum

*** SJR 9 ***

0116S.01I

SENATE SPONSOR: Clemens

SJR 9 - This proposed constitutional amendment, if approved by the voters, requires the first legislative session of each general assembly to be used exclusively for the enactment of appropriations laws except for emergency legislation where health, welfare, and safety requires legislative action. The second legislative session shall be used exclusively for the enactment of general laws except for the enactment of supplemental appropriations laws if necessary.

JASON ZAMKUS

12/01/2004 Prefiled
01/05/2005 S First Read S35
01/18/2005 Second Read and Referred S Governmental Accountability
& Fiscal Oversight Committee

EFFECTIVE: referendum

*** SJR 10 ***

0276L.01I

SENATE SPONSOR: Purgason

SJR 10 - This proposed constitutional amendment, if approved by the voters, requires two-thirds majority vote of the people to change current regulations involving the harvest of wildlife and forestry.

MEGAN WORD

12/01/2004 Prefiled
01/05/2005 S First Read S35
01/18/2005 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee

EFFECTIVE: Referendum

*** SJR 11 ***

0051S.03I

SENATE SPONSOR: Bartle

SJR 11 - This resolution authorizes the Transportation Commission to conduct feasibility studies, fund, design, acquire, construct, maintain and operate toll facilities. The Commission shall fix and collect tolls for the use of all toll facilities. The Commission is authorized to issue state toll

facility revenue bonds or refunding bonds authorized by the General Assembly without the consent of any other state agency or board. The Commission is authorized to enter into contracts with other federal, state or local agencies to conduct its duties with respect to constructing toll facilities. Moneys obtained from toll facility revenue bonds, tolls and other fees shall be deposited in the state toll facility fund. Moneys in the fund shall stand appropriated without legislative action to be expended in the sole discretion of the Commission. The Commission is authorized to transfer moneys from the state road fund to the state facility fund to pay toll facility costs. Any such transfers from the state road fund shall be repaid in a time and manner determined by the Commission. The Commission is authorized to relocate or incorporate any public road or highway into a state toll facility project authorized by the General Assembly. Revenue generated from the toll roads shall not be included as a part of total state revenue, nor shall revenue expenditures be considered an "expense of state government" for the purposes of the Hancock Amendment.

This SJR is similar to SJR 38 (2004).

STEPHEN WITTE

12/01/2004	Prefiled	
01/05/2005	S First Read	S35
01/18/2005	Second Read and Referred S Transportation Committee	

EFFECTIVE: Referendum

*** SJR 12 ***

0691S.01I

SENATE SPONSOR: Taylor

SJR 12 - This proposed constitutional amendment allows persons to act as managers of bingo games operated by charitable organizations as long as they are members of the licensed organization.

This SJR is identical to HJR 54 (2004).

JIM ERTLE

01/04/2005	Prefiled	
01/05/2005	S First Read	S35
01/18/2005	Second Read and Referred S Financial & Governmental Organizations and Elections Committee	

EFFECTIVE: Contingent

*** HCR 1 ***

0748L.01I

SENATE SPONSOR: Shields

HOUSE HANDLER: Dempsey

HCR001 Dempsey, Tom

***** NO BILL SUMMARY *****

01/05/2005	Offered (H)	H16
01/05/2005	Adopted (H)	H16
01/05/2005	S First Read	S26
01/11/2005	S Adopted	S65-66 / H46
01/11/2005	S Escort Committee Appointed-Bartle, Loudon, Crowell, Mayer, Ridgeway, Koster, Coleman, Callahan, Wilson, Green	S66 / H46

MISSOURI SENATE
WEEKLY BILL STATUS REPORT

01/12/2005 H Escort Committee Appointed - Parker, Yates, Goodman, S71 / H47
Wright-137, Flook, Fares, Robinson, El-Amin, Spreng,
Lowe

***** HCR 2 *****

0747L.01I
HOUSE HANDLER: Dempsey

HCR002 Dempsey, Tom

***** NO BILL SUMMARY *****

01/05/2005	Offered (H)	H16
01/05/2005	Adopted (H)	H16
01/05/2005	S First Read	S26

***** HCR 10 *****

0749L.01I
HOUSE HANDLER: Dempsey

HCR010 Dempsey, Tom

***** NO BILL SUMMARY *****

01/11/2005	Offered (H)	H43
01/11/2005	Adopted (H)	
01/11/2005	S First Read	S67
